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a city
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COMMITTEE
FOR
MODERN
ZONING

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a city speaks

A collection of public statements and communications excerpted from the records of the City Planning Commission of New York supporting the Commission's proposed comprehensive plan for rezoning the City.

COMMITTEE FOR MODERN ZONING

PRENTICE-HALL, Inc. ENGLEWOOD CLIFFS, N. J.

FOREWORD

The proposed plan of the City Planning Commission to provide New York with a comprehensive, modern zoning resolution is one of the most important steps ever taken in the City's long, impressive history. It is a plan that will shape the City of tomorrow.

The hopes and convictions of New Yorkers who support this plan were expressed most eloquently by citizens of all walks of life who testified or wrote to the Planning Commission during the period of its deliberations and review of the proposal. These views and aspirations epitomize the kind of vision, enlightenment and enterprise that has made New York the world's greatest city.

We are pleased to point out that Prentice-Hall through its Foundation, as a public service has made this book available to our Committee in the interest of all who are striving to plan today for a better tomorrow.

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ROBERT W. DOWLING

Co-Chairmen

Committee For Modern Zoning

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INTRODUCTION

The following statement was made by James Felt, Chairman of the City Planning Commission, at opening of City Planning Commission's public hearing on a Proposed Comprehensive Amendment to the Zoning Resolution of the City of New York—March 14, 1960.

The public hearing we open this morning is probably more vital to the well-being of the people of New York City than any public hearing held by the Planning Commission in the more than two decades of its existence. It was well over four decades ago—in 1916—that New York City took the pioneering step of enacting the nation's first zoning code.

The concept of regulating the private use of land in the interest of the general public welfare represented a great step forward. Not surprisingly it aroused bitter opposition in those who looked upon the use of land as a matter of purely personal concern, to be developed as they—and they alone—saw fit, regardless of the effects on neighbors or the general community. And not surprisingly, the dire predictions of its opponents that chaos and ruin would follow adoption of the zoning resolution, failed to come to pass.

Indeed, just the opposite happened. Instead of grass growing in the streets, there followed one of the greatest building booms in the City's history. But that is so often the history of regulatory legislation proposed to check unsound and unhealthy practices: bitter opposition and prophecies of doom, followed by a tide of improvement which carries along the professional no less than it does the public.

A zoning code is not, however, despite the flattering analogy some of its opponents have drawn, like the Constitution of the United States or the Ten Commandments. It embodies a set of specific regulations, not broad principles of law or conduct. And specific regulations, if they are to be effective, must be in tune with the condition, the customs, the technology, and broadly speaking, the environment, of the elements being regulated.

I need hardly remind anyone here that the elements regulated by a zoning code—the use and development of land—have undergone a complete evolution in the past forty odd years. The auto age and incredible technological leapfrogging which have burst upon us in the past few decades have altered the use and organization of land as profoundly and far more rapidly than did the industrial revolution in the 19th century. Witness shopping centers, supermarkets, horizontal factories and industrial parks, jetports, rooftop heliports, large-scale residential projects, and the space-covering and space-consuming private passenger car.

The 1916 resolution was swept and tossed by this accelerating current of change despite the improvised amendments we piled on in a desperate attempt to maintain control. In 1940, after the Planning Commission had been established and given jurisdiction over the zoning resolution, some substantial amendments were made. As a matter of historical interest, they were strongly opposed by most of those who today oppose our new proposal on the grounds that the existing zone is fine because of the 1940 amendments.

While the 1940 amendments did not have any of the ill-effects so morosely predicted by their opponents, unfortunately neither did they catch us up with change. Nor could they, bound as they were to the framework of the outdated 1916-resolution. Mayor Wagner recognized this when in 1950 the Commission, under his chairmanship, launched a comprehensive zoning study by outside consultants. However, he left the Commission before it was completed, and for a variety of reasons it was never brought to public hearing.

When the Mayor appointed me chairman of the Commission, we agreed that the adoption of a modern zoning code for New York was urgent and should be given top priority. In 1956, the Board of Estimate authorized us to contract with the outstanding architectural and planning firm of Voorhees Walker Smith and Smith for a comprehensive rezoning study. Following the publication of the consultants' recommendations in February of last year, the Commission held a series of informal hearings here and in each of the other boroughs to seek advice, recommendations and constructive criticism. On the basis of those hearings, of literally hundreds of subsequent meetings and conferences with interested groups and individuals, and of its own analysis and study, the Commission published its revised proposal last December 21st. It is this proposal which is the subject of today's public hearing.

Today and tomorrow will be devoted to the text of the proposed resolution. Five subsequent sessions over the next two weeks will be devoted to comments on the proposed zoning maps for each of the five boroughs.

We have scheduled these hearings not only to conform with the legal requirements of the City Charter, but because we believe they will serve a genuinely useful purpose. It is important that we receive the views of the public on the merits of an undertaking which—all technicalities aside—is of such vital importance to the public. And it is equally important, and we shall welcome, detailed recommendations and constructive criticism. We have made scores of text changes and hundreds of map changes in the consultants' original proposal, and I am certain that as a result of these hearings and of the continuing meetings and conferences we are holding we shall recommend many many more changes when we submit this proposal to the Board of Estimate for final action. It is in the nature of a proposal of this type that there is always room for modification and improvements.

But speaking for myself, and I am sure for my colleagues, we shall reject any counsel of delay and postponement. The process of developing this proposal has been deliberate and long-drawn. Modern zoning for our City has already been too long in coming. In deference to the genuine problems of the professionals in real estate and building we have proposed a year's grace period, so that the new zoning will not, in any case, take effect before July 1, 1961, an ample period to cushion the impact of change and to allow for such further modifications as may be deemed desirable. But in deference to the general public welfare, and to all the citizens of our City, we cannot delay any longer.

The obligations imposed upon us by Charter, and the sense of duty we must show to New Yorkers of today and to succeeding generations, require us to move forward in providing New York with modern zoning—zoning aimed at reducing congestion, increasing the opportunities for light, air and open space, providing encouragement and adequate protection for both residential and industrial development, recognizing the need to provide increased off-street parking, and, perhaps, most importantly providing the foundation indispensable to the fundamental renewal of New York that we must and we will undertake.

Francis Keally, *Architect*

I am a practicing architect in New York since 1928. I have been President of the New York Chapter of the American Institute of Architects. I am Past President of the Municipal Art Society of New York, Past President of the Fine Arts Federation of New York.

Let me state at the outset that a premium should be placed on good planning, which is the backbone of this proposed change to the existing zoning resolution. There can be no question in the minds of thoughtful citizens that the time is ripe for a complete revision to the outmoded and inadequate existing resolution, some forty years old, which is incapable of solving the pressing and complex problems facing the City authorities at this very moment. The new document is a comprehensive, imaginative and flexible contribution to guide the orderly growth and development of this great metropolis. This modern zoning conception is similar to those adopted in Chicago and other large cities, which have not adversely affected the economics of real estate activity in those areas.

Here are only a few of the tragic defects of the old resolution with its 2500 amendments:

1. Over-building and congestion occur in certain areas. For example, the new Grand Central building, which is being projected, will spill some 37,000 people into the streets and subways of that area at the close of each working day—an area that reached the saturation point years ago. I ask this question: Is this a healthy condition for New York?

2. Paralysis is invited because no logical provision for parking vehicles have been provided. As you know, a second roadway is now being added to the George Washington Bridge, which will double the number of cars entering the City of New York at that point. But where are these additional cars to be parked? This condition will cause further chaos and eventual strangulation unless some logical solution is devised to relieve this traffic congestion through this new resolution.

3. The architect's imagination is stifled by the present stringent controls on height and shape of structures, thus encouraging the creation of monotonous and mediocre buildings. If you do not believe what I say, I ask you to take a look at some of our new structures, recently erected, as a confirmation of this statement.

Here are a few of the significant advantages of the proposed new resolution:

1. It would embrace the total impact of building upon the City as a whole by encouraging permissible, and I stress—permissible—regulations as opposed to prohibitive regulations now in force.

2. It would abandon the shortsighted approach of controlling the shape of a single building on a single lot—thus establishing a regulation that would permit this same structure to be part of its entire environment.

3. It would take into account the historical significance of each neighborhood and its future need. For example, is there anyone in this room who would not support the preservation of Washington Square and Gramercy Park and other similar historical areas in this City of ours?

4. It would encourage acceptable standards of light, air and open spaces such as one finds in Washington—and you all know Washington—one finds in Paris, and also in London.

5. It would provide adequate parking.

6. It would put certain limitations on the size of buildings so as to prevent overcrowding and overtaxing of surface facilities. Now have you ever been on the subway platform at Grand Central or Times Square around nine in the morning or five in the evening? It is a deplorable, disgraceful, and highly dangerous situation that cannot be tolerated very much longer.

7. It would provide sensible regulations to accommodate large-scale construction planned in an orderly fashion.

Any such resolution as the one under consideration can never be a perfect document. I think we all admit that. But we must bear in mind that a few must always suffer in the interest of the public good.

This is the basic philosophy behind the new resolution, in which sound planning takes into account the physical growth and arrangement in relation to the social and economic needs of our community.

Finally, as the *Herald Tribune* observes this morning—on the editorial page of the *Tribune*—which I think is well worth repeating, and I quote part of it. And I quote this: “New York never stops changing,

and the danger is that without modern zoning we shall keep on magnifying error upon error that is bound to lead to more physical and economic discomfort."

Obviously, had this new zoning been done at an earlier stage in the City's growth, a lot of the present difficulties would not be with us today in such an aggravated form.

And, finally, I say this to you, gentlemen: It is imperative that decisive action be taken upon this new resolution without further delay or we shall forever lose the opportunity to meet effectively this urgent need for rezoning New York in the interest of the well-being of the citizens of this great City.

COMMITTEE FOR MODERN ZONING, Dr. Luther Gulick

Since I resigned as city administrator three years ago I have visited most of the major American cities and several important cities of Europe, Africa and Asia to look at their present day problems of growth and development.

The metropolitan explosion as seen here is a world-wide fact. All major cities from Tokyo and Hong Kong westward around the world to Seattle, San Francisco and Los Angeles are wrestling with an explosive population growth and urban in-migration. They are almost all swamped, bedeviled with growing slums and decay at the center, rising crime rates, increasing traffic congestion, and shortages of water and sewerage, and other urban services.

But nowhere are things moving so fast as right here in the United States, and in the New York metropolitan area.

With all these headaches there is a comforting fact: our problems here in New York arise not because this city is dying, or losing its place in the world, but because of the unsurpassed dynamic quality of the business, financial, managerial, communications, "style," entertainment, cultural, educational, and international leadership which now turns to New York as "home." Our difficulties come from our successes.

But make no mistake, we are paying a terrible price for our successes not only economically with increasing costs of doing business and in-

creasing costs of living, but also humanly and socially, through traffic congestion, noise, dirty air, bad housing, overrapid obsolescence, crime, handicapped schooling, and the unnecessary aggravations of badly arranged city living.

By our bad arrangements, we make it hard for ourselves. We get in each other's way. We have too few streets for our buildings and shops; too few highways and parking facilities for our cars; too few schools for our children; too little sunlight and clean air for our health; too long trips to and from work; and too high costs of doing business. And it is all because our arrangements are bad and out of date. They belong to the horse and wagon era, not to the day of autos and jets.

We go abroad and we see beautiful cities, where even we Americans enjoy walking right in the center of town. And we wonder how those poor folks can have so much beauty and dignity and convenience in their cities, while we, with all our wealth, have so much that is ugly and ignoble and inefficient. The reason is our explosive growth without adequate plans and effective zoning.

The cost of correcting our mistakes and catching up with the requirements—some of which no one could have foreseen—is colossal, provided you want to do it all tomorrow. But if we are willing to proceed more gradually, step by step, taking advantage of the natural pace of redevelopment, the changes can be produced at little if any more cost than will be spent in any case in future construction and development. With proper arrangements, that is, with a sensible and developing plan, and with agreement and enforcement, that is proper zoning, we can have the kind of a city we want in less than the span of one man's lifetime.

Forty-four years ago, I sat in this very room and heard the public and the Board of Estimate and the experts debating the New York Zoning Act of 1916. George McAneny, E. M. Bassett, Henry Bruere, Nelson Lewis, Herman Metz, John Purroy Mitchel, Lewis Pounds, Marcus Marks and others were here. When the Zoning Act was adopted in July 1916, it was the first comprehensive zoning ordinance in American history. I wish I had a tape recording of that hearing. Some of the same speeches of fear were made then as I have seen in the papers in recent weeks. You will probably hear them again today.

Some people even today think that zoning will hurt real estate. They were dead wrong in 1916, and they are dead wrong now. Good zoning is the best insurance real estate can have.

Good zoning is the only insurance we ordinary people can have for light and air.

Good zoning is the only road toward solving our intolerable traffic problems.

What makes the immense values of all this precious real estate here in New York? Is it the men who build the buildings? Not at all. It is the people and the businesses who crowd into this little rocky island and its surroundings with homes and economic activities. If this town fails to meet our requirements as human beings, and the requirements of business, we and business are going to move out and away from the dirt, congestions, inconvenience and high operating and living costs, and the immense values of these towering buildings will come tumbling down like the walls of Jericho, and the man who has built the biggest building on the biggest lot will be the biggest bankrupt.

New York is in direct competition with the major cities of this continent, and at many points with the major cities of the world. This competition involves both efficiency of operation and attractiveness for human existence. If we permit the arrangement of the city to become less efficient for the enterprises located here and less and less attractive for the people who live here, we might become a second-rate, or third-rate, center all because of our own folly.

I see a vision of two New Yorks 50 years from now. I call these City No. I and City No. II. City No. I has been described in great detail in the recent Harvard studies, made under the auspices of the Regional Plan Association and paid for by the Rockefeller Brothers Fund and the Ford Foundation. This is the city which will develop under present trends of population movements and present economic forces, many of which are bad for New York; and under the present zoning ordinance, which is badly out of date. Even so this city will have a fine business center with tall buildings. This will be surrounded however by gray areas of economic decadence within which no sane private investor will be justified in sinking his money. Either these grey areas will be residential, industrial and commercial slums, or the city will go broke trying to build subsidized housing for a million or two added welfare clients. In such a city more and more people will move out of town along with shops and industry and jobs, but even so the streets will be jammed with traffic, especially after the commuting railroads go under. That is the city which will be here if we let present forces and the present zoning ordinance stand.

City No. II is the city we can have for our children if we will think straight and act courageously now. City No. II is a city encouraged to grow in accordance with a sensible and developing plan, held in line with modern zoning. It will have several fine business centers, surrounded by independent service and easily reached residential developments for

all income levels, all related to streets and mass transportation. It will have open spaces, sunshine, and clean air. It will have standing vehicles off the street. It will have easy circulation for pedestrians in the shopping and in the amusement centers. It will have space for the types of industry which need to be in the heart of the city. This city will be filled with jobs, decent homes, room for children, and thriving businesses, partly because the cost of doing business in such an efficient community will be within reason.

How do we get City No. II, the city of our dreams? We get it by a combination of firm public action and continued private investment channeled by planning and zoning into a harmonious urban structure. The Mayor's new approach to slum clearance, with its new emphasis on middle income housing and space for industrial and other uses is another powerful step in the right direction. But the heart of the matter is modern zoning.

Now is the time of decision for New York in selecting which one of these two cities we want our children to live in. It is later than we think. Other cities are getting rebuilt, rearranged and rezoned to fit their modern needs. Soon they will begin to press us competitively. The time for action is now. If anyone comes before you and asks postponement, I think you have a right to ask for a specific list of the changes he desires in the ordinance, identified by section and line. Formless feelings of indefinite doubt are now out of place. We have known for years that a new zoning system was necessary; and we have known for months what it would look like. If anyone calls for more delay and more indecision now, gentlemen, look for the wolf in sheep's clothing.

The purpose of zoning is to bring some order out of a jumble of chaos. This is done gradually over the years of setting a pattern. Most of the building will be done by the creative forces of private enterprise. What zoning does is to create a sound climate for investment, not just for a few spectacular skyscrapers, but also for many lesser commercial, industrial and residential developments. Cities need realistic guidelines as they grow. Without them, we court slums, premature economic decay and costly obsolescence. Every game needs rules. Imagine football, basketball or baseball without any rules! The real estate game is no exception. It too needs rules both to protect the players and the public. And that is what zoning is.

Some real estate people seem to think they will be injured and their chance to "make a million" will be blocked by modern zoning. This is a shallow view. The reputable and responsible developer has nothing to fear. There are three reasons for this:

first, the new zoning applies with equal hand to everybody, zone by

zone. People who want land and buildings in the future are going to want land and buildings even more under the new zoning than under the old;

second, the stability of investments will be much greater under the new modern ordinance than under the old inappropriate patchwork system; and,

finally, if there are individual hardships for individual pieces of property which can be demonstrated by evidence, they can always be dealt with as a "variance" under Article VII, section 72-21 to 24 of the new ordinance. Under the circumstances, claims of "irreparable damage" are a smoke screen.

There is a moral problem involved in modern zoning, Mr. Chairman. We, as individuals, have a right to be concerned selfishly in our own economic welfare. We have a right to seek profits from our ventures. But we also have a responsibility to the next generation, and to our children's children. This is a moral responsibility that New Yorkers have never shirked.

Just a little social conscience today, just a little sense of duty, just a little acceptance of our obligations to the future, and we will find that we have made a wonderful investment in the long-range welfare of New York. This is all it requires to give us modern zoning now and thus to start on the highway that leads straight into the city of our dreams.

CITY CLUB OF NEW YORK, I. D. Robbins

In October, the City Club of New York held a civic luncheon at which I think most of you were present at which we showed a motion picture that seemed to charm everyone. At least we thought it did. Until recently, we heard that the spokesman for the Metropolitan Association of Real Estate Boards attacked it rather severely. This was at a recent meeting of the group. The picture that we made was shown only once and must have made a pretty profound impression to have warranted such violent criticism four months later. While there were close to a thousand civic leaders present at the luncheon—with only one showing—we thought the movie was "Gone With The Wind" but from what we heard about the recent luncheon of the Metropolitan Association of Real Es-

tate Boards, it seems it should have been entitled "From Here to Eternity."

In case you want to know what it was that made Mr. Barrera so angry, I would like to remind you of the central theme of that motion picture, and here it is: From 1910 to 1916, the City Club of New York, which started in 1892 and which is the oldest, continuously operated organization in the City of New York; and from 1910 to 1916 we agitated for the first zoning ordinance in the United States. At that time, the spokesmen for real estate said that if the City were zoned, we could sell it back to the Indians at a discount. But we had a Mayor then, Mayor Mitchell, who didn't fall for that kind of stuff and he got the zoning ordinance passed and signed it. And lo and behold, we had the biggest building boom in history. Now that we want a new zoning ordinance, the Jeremiahs are here again. Again, we hope that we have a Planning Commission, a Mayor, and a Board of Estimate who will recognize the need. Now, that's all. That's all the movie said—we needed a zoning ordinance, we were in favor of it, the bad guys were against it, the good guys were in favor of it, and again the bad guys were against it. Now, why should they have gotten so angry about that? I don't understand that.

The historical position of the City Club with respect to zoning is well known to your Commission. Our organization sponsored the 1916 resolution. You know that I testified on April 13, 1959 at the first hearing before this Commission and endorsed all of the technical innovations in the new program as well as the general theory. I stated at that time that the Club would not concern itself with mapping but believed that some greater density might well be considered for certain areas.

Now, we are back before the Commission and wish to express our general satisfaction with the changes which have been made. We think that the new R 9 District is sound; that the use regulations are sound; that the concept of room count instead of dwelling units, is sound; that the additional bonus provisions are sound. We are not sure about the elimination of the office of Zoning Administrator and we suggest that you consider the difficulty that the lawyers, the builders, the architects and others presently have in the Department of Buildings. Perhaps, administratively, it will be possible to train specialists in zoning administration within the Buildings Department. At any rate, we're not too sure as it is now operated, and we think you ought to consider the matter very seriously.

Now, I would like to talk about the really critical problem that faces you today, which is the politics of this issue. There is not a man of good will and knowledge anywhere who will not readily concede both the need to zone for the control of the use of real property and for the

protection of its value and the need to have zoning accurately reflect the community's aspirations for orderly growth and development. It is only when we get into the question of whose ox is gored that opposition really develops.

The City Club of New York believes that the Planning Commission and the Board of Estimate should adopt the new zoning resolution forthwith and substantially in its present form. We believe that the best test of the resolution will come during the first year of its operation and that will be plenty of opportunity to observe it in practice and modify it if necessary. We believe the time has come to stop talking about a new zoning program and start doing something about it. We respect the right of any opposing group, no matter how self-serving, to be heard. But we reject the premise that those who are financially interested should take precedence over those whose general welfare is at stake.

One of the most popular theories about how to achieve satisfactory municipal government is that known as the squeaky wheel theory. This is the theory which says that to be a successful administrator you worry about the special interest which makes a big noise, but you can afford to avoid the public interest which is not publicly directed at you.

There is another theory, and I believe it is the one to which this Commission subscribes, which says it is the duty of a public servant to examine the true nature of the matters before him, testing them on the basis of what is best for the most people.

The City Club believes that the opposition to the new zoning resolution has been blown up out of all proportion to its true merit or to the amount of consideration which that opposition should properly receive. The City Club of New York believes that the opposition to this resolution is coming largely from those who will be prevented by the resolution from further abusing the people of New York.

We have recently read some statements by a representative of the Metropolitan Association of Real Estate Boards, who spoke just before me. The effect of his testimony was the same but the tone was quite different from their tone at the luncheon meeting recently. Mr. Barrera, at that meeting, seemed to be trying to shout Mr. Battista, whom you've heard from time to time, and I think that his objections were about as responsible. He holds a threatening pistol to your head if you dare to go against the wishes of his group. But, in truth, it is only a water pistol, as we will show you.

We believe that anyone has a right to defend his interests but we are afraid that the propaganda of the Metropolitan Association of Real Estate Boards is blowing up the status of this group in the zoning fight out of all proportion to its true importance.

Part of this is due to the fact, that the Real Estate Board has been able to get a great deal of space devoted to its case in the real estate sections of the city's newspapers. Now, I don't think any bona fide newspaperman would deny that the real estate sections of their newspapers are just trade paper sections, a place where real estate men talk to each other. They are a part of the paper, like the travel section, the fashion page, the automobile news, where a certain amount of free space is taken for granted. Since the editors and publishers don't expect any but the initiated to read the trade news in the real estate sections, they tend to permit publication of stuff which they would never tolerate in the legitimate news sections of their papers.

Unfortunately, some of our public officials may not be sufficiently sophisticated and may tend to assume that the frothings on the real estate page should be given the same weight as the legitimate news up front.

You are also confronted here by the classic institutional spokesman. Historically, trade associations, and I've represented many of them in the past, have often taken positions on issues which few of their members would be willing to do in their own names, to take in their own names. Businessmen, individually, are often quite enlightened. In mass, the institutional spokesman seems to make them unusually reactionary.

For instance—I use this example because it was in all the newspapers—two weeks ago I was present at the City Council in connection with the hearings on the low wage problem in New York. Mr. Ralph Gross, representing the Commerce and Industry Association, had an unappetizing job to do. He did not, of course, defend the present low wages. All he did was to ask that no action be taken while the matter was studied further.

The point is that no business representative was willing to appear in an anti-social light. Mr. Gross, as an association spokesman, took on the unpleasant task. Now, I would gravely doubt whether the members of the Commerce and Industry Association employ any significant number of persons at \$1 an hour, or less. I felt sorry for Mr. Gross. His heart wasn't in it. In the same way we must feel sorry for those who speak for real estate in opposing modern zoning.

The real estate business is a great business in New York. It consists of owners, operators, managers, builders, contractors, brokers, salesmen, consultants and doubtless numerous other categories. When the representative of the Metropolitan Association of Real Estate Boards appears to inveigh against a new zoning ordinance, one is supposed to get the impression that this great industry has risen up in mass to oppose progress in the form of new and better zoning. How utterly absurd!

The fact of the matter is that most of the people in the real estate business are hardly affected at all. Of those who are affected, a good proportion, if not most, might well be sympathetic with what we are trying to do here. Of those who are opposed, a high proportion are not investors at all. They have no dollars involved. When we get right down to it, we would probably find that a few interested people have moved the entire great real estate industry, spoken for it and tried to lead the public to believe that a great storm of protest has arisen.

You know how uncomfortable the average doctor feels when he reads some wild statement by a representative of the American Medical Association. That's the way many of our real estate friends feel. They seem always to be apologizing for the behavior of those who claim to speak for them.

The interest of real estate people in this question might well be explored a bit. It is our impression that the really significant real estate interests in our city would not oppose the new zoning program, contrary to the effort that has been made to give you that impression. It is our impression, and many of them are members of our Club, we know, for example, that Mr. David Tishman is sympathetic with the new program. We have very grave doubts if Mr. David Rockefeller, who has taken such an active role in redevelopment work, would associate himself with Mr. Barrera in his opposition. Surely Mr. Robert Dowling will not. We can go down the line of the significant owners and get the same kind of story.

Almost as interesting as the economics of real estate, are some of its folkways. Real Estate is the biggest municipal industry, they say. But we say it can make money only in relation to the health of the city. It exists because the city is here. Some times our friends in the real estate business act as if they put the city here or as if it were put here for their benefit.

As a practical matter, we have observed that real estate people are very flexible. Those I know are extremely flexible. They are fast thinking, fast moving, creative, constructive. This is especially true of that intrepid and creative group which invests its own money, time and efforts in real estate. Some, unfortunately, only know how to do what the other fellow has been doing. They are not able or willing to look for new opportunities in real estate. But there will always be leaders in the real estate business and we needn't be afraid that commercial opportunities in our City will dry up. All that new zoning will do is redirect commercial energies.

Every one of us remembers when Park Avenue was a street of apartment houses and little else. And then an able builder came along and

located a fine office building at 57th Street and Park Avenue. This was creative. Ten years later the copiers may well overdo that very thing.

The man who located the first luxury apartment house in Greenwich Village opened up a magnificent market and did it with style and proper regard for propriety and the feelings of his neighbors. Remember the compromises that were made on the development of the Washington Square building, the No. 2 Fifth Avenue building, and how intelligently that builder worked with community elements to make sure it was done properly. We strongly suspect, however, that among the opponents of this resolution are the kind of come-lately's who would fill every corner and side street of the Village with semi-fireproofs festooned with fire escapes. That's what will happen.

We are sure that as long as there are able men in the real estate industry, there will be no lack of pioneering and the zoning ordinance which you are contemplating will do nothing but sharpen their ingenuity and show them where the new opportunities lie. It is the men without imagination, without a sense of the wonderful future, who oppose what you are doing.

Generally the best test of zoning and the real estate business as well is the test of history. No zoning program has ever stopped the building and construction industry. If there is an adequate supply of reasonably priced financing available, and enough customers, the industry will build on the moon. But we would strongly advise the administration there to have its zoning ordinance ready.

MAR 24, 1960

REGRET INABILITY TO APPEAR IN PERSON TO SUPPORT
ZONING RESOLUTION. LEAGUE OF WESTSIDE ORGAN-
IZATIONS HEARTILY ENDORSES ZONING PLAN FEELING
IT WOULD MAKE NEW YORK CITY BETTER PLACE IN
WHICH TO LIVE AND WORK.

RABBI EDWARD KLEIN AND
REVEREND JOHN MULLIGAN
CO-CHAIRMEN
LEAGUE OF WESTSIDE ORGANIZATIONS

ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, Mendes Hershman

I appear on behalf of the Association of the Bar of The City of New York to voice its approval of the proposed zoning resolution which is before you today. When first I learned of the work that was going forward to formulate a new zoning law for this City, I was reminded of a friend I had met in Washington who had spent many years with various agencies in the federal government on a policy-making level. He looked better than I had ever seen him look in the many years I had known him, and I inquired, "How come?" He replied that he was now with a department of the government engaged in a national program for the extermination of rodents, and he added happily, "It seems that everyone is against rats." I had the naïve notion that the Commission would be in that fortunate non-controversial position, at least in advocating the replacement of the present zoning resolution. Apparently I was in some error. The somewhat understated but always reliable New York Times headline of yesterday was, "New Zoning Code Widely Debated."

When the consultants' report was published more than a year ago, the Committee on Real Property Law of the Association of the Bar was assigned a task to prepare the studies which would be the basis for action by the Association on the proposed zoning law when it was formally submitted by the Planning Commission. When these studies were completed, after a period of several months of intensive effort, we submitted to the Planning Commission a preliminary advisory opinion, suggesting various changes in the consultants' proposed zoning resolution. When the Commission submitted its resolution last December we were glad to note that our suggestions had been favorably considered by the Commission and incorporated in the Commission's resolution.

The Committee on Real Property Law then reviewed the Commission's proposed zoning resolution and prepared a twenty-page report, analyzing deficiencies in form and substance in the existing zoning resolution, describing the background and scope of the proposed resolution, analyzing its use regulations, bulk controls and provisions for parking, and discussing with appropriate citation of judicial authority the legal problems involved and the provisions for permitting non-conforming uses or terminating non-conforming uses, performance standards, the ef-

fective date of the proposed resolution, and the validity of special permits. The major conclusions of the Committee were these:

1. We find that the present zoning resolution is outmoded and does not adequately provide for the needs of The City of New York. Its basic failing is that it lacks a comprehensive concept of rational land use for the City as a whole. As a result it cannot furnish the proper zoning guidance for the mature but still dynamic city. We further find that the present zoning resolution cannot be adequately modernized by piece-meal amendments.

2. We find that the basic structure of the proposed resolution is not subject to the foregoing objections. It incorporates modern zoning conceptions which have been adopted in numerous other cities. By and large, it provides a comprehensive, ingenious and flexible instrument to assist in guiding the future growth and development of the City.

3. We believe that the proposed resolution, if it is not adopted, no other attempt to adopt comprehensive zoning is likely to be made for many years to come. The sustained effort and large expense that resulted in the proposed resolution would not be duplicated if the proposed resolution is defeated. Accordingly, we believe it is urgently necessary to support the proposed resolution now.

The committee recommends the approval of the proposed resolution.

This report of the Committee on Real Property Law was thereafter submitted to the governing board of the Association of the Bar, its Executive Committee. The Executive Committee unanimously approved the Real Property Law Committee's report and adopted the following resolution, as the action of the Association of the Bar:

Be it resolved that in the opinion of this Association, the present Zoning Resolution of The City of New York is inadequate and should be replaced; and, be it further resolved, that the proposed Comprehensive Amendment of the Zoning Resolution of The City of New York prepared by the City Planning Commission, is a proper and suitable replacement. And be it further resolved, that this Association endorses the proposed resolution and recommends its adoption.

The report of the Committee on Real Property Law, thus approved by the Association, has been furnished to you and I would appreciate your making the report a part of your proceedings today, an extension of my remarks. [See Appendix A] I could not possibly improve on its

succinct and authoritative character without trespassing unduly on your time. Zoning regulation is not a theoretical exercise in social planning. It has been with us a long enough time to become a significant branch of the law of building regulation, which goes back to the Babylonian law of more than four thousand years ago. It partakes of the science of engineering and architecture and their younger brother, city planning, the experience of real estate, the wisdom of judicial opinion and, I suppose, the art of politics. As with any branch of learning, the weight to be given any opinion on it must necessarily be based on the expertness and disinterestedness of those rendering the opinion.

I trust, therefore, you will not take it amiss if I point out in passing, and solely to qualify the witness, which is the lawyer's phrase—that the opinion which is offered you in the form of a report and resolution of the Association of the Bar is based on the studies of lawyers comprising the Committee on Real Property Law, who participate as counsel in the most significant and complex transactions in the real estate field, housing and planning activities in this City. They are counsel to some of our largest financial institutions, branches of government, the real estate syndication industry, investors, builders, brokers, title companies, the sponsors of vast urban renewal projects and the average citizen—buying a home, leasing an apartment or office. In short, this is a group highly sophisticated in the matter in which we dealt. The report is typical of the arduous labors of the Bar Association committees and lawyers assembled applying their knowledge without fee or favor in the public interest and, as such, offered for your consideration today.

We find evolving judicial opinion which is not notorious in anticipating reforms, supporting the provisions of this proposed zoning resolution. We rely on the majority opinion of the Court of Appeals in the Harbison case as well as the philosophy embodied in the deservedly famous opinion of the United States Supreme Court in affirming the case.

Mr. Chairman and gentlemen, we say that two generations of zoning unrelated to city planning is quite enough.

PARENT-TEACHER ASSOCIATION

Public School 214, Queens

31-15 140th Street • Flushing 54, New York

March 23, 1960

As residents of the city of New York, the members of our Parent-Teacher Association are concerned, naturally, with the conditions that exist throughout the city. We are aware of those stresses and strains which are being placed on all the facilities of the city because of the lack of a comprehensive and logical plan to guide its growth.

Bringing the problem closer to home, in our own community, we are watching the transportation, library and educational facilities labor under the burden of having to serve a population much greater than that for which they were intended and much greater than that which they can properly accommodate because of an unprepared for housing boom.

With this primarily in mind, we have been very much interested in and have carefully studied the City Planning Commission's proposed zoning code. We believe it will hold the solution we are looking for and we wish to go on record as approving of and supporting it.

Thank you.

Lenore Schnabel
President

CITIZENS BUDGET COMMISSION, Robert W. Dowling

The Citizens Budget Commission has favored the proposed zoning ordinance in principle, as you know, from its inception. We appear today to voice our continued support of the proposed ordinance and the objectives of the City Planning Commission. We have stated the reasons for our general endorsement on many occasions and in some detail in the past. We shall not repeat any detailed analyses today, but we think a few points need to be made, briefly.

The time has come for renovation. The simple fact that this basic ordinance was adopted in 1916 and has been amended continuously through all the years, is reason enough to make it suspect as a workable, usable, practical basis for zoning. It seems to us that revision, reorganization, clarification and simplification are obviously in order. We do not have to show precisely how many amendments are too much. We only have to *know* that confusion exists and proceed to correct it. That is what your proposal will do.

We are convinced that the two principal objectives of the new zoning ordinance can be achieved by its adoption, namely to make our city a better place in which to live and work and to assure a firm tax base with foreseeable growth.

The chief problem at the moment does not seem to be the merits of the proposed zoning ordinance. It seems, rather, to be misunderstanding.

Some of the opposition cite objections to specific elements of the proposal. There are at least three possible solutions to such criticism. One is to alter the proposal to satisfy the criticism. The City Planning Commission is the judge of whether this is feasible, in each case. Not everybody can be satisfied and, ultimately, your Commission will resolve such specific instances one way or the other. Another solution is to stand by the proposal, as written, and a third is to compromise. We believe that these alternatives furnish reasonable elasticity, at this time. Whatever your decisions, they will not stand in the way of the giant step forward, namely adoption of a renovated zoning ordinance.

The serious misunderstanding of critics of your plan is that they jump from these reasonable situations to an irrational conclusion, namely that the whole edifice should be destroyed because one door lock doesn't close properly. They say, in effect: "We see an item we do not like, so

the whole proposal is wrong." The Citizens Budget Commission cannot accept this as a reasonable proposition, hence urges that you reject it on grounds of ordinary logic.

Our support for the rezoning proposal rests on two main points:

First, it will help to stabilize the real estate tax base and promote a healthy growth of the tax base in the future.

Second, it will help to hold in bounds the rising costs of providing city services.

Let us talk about the tax base first. We all know that real estate taxes are the mainstay of the City's budget. Collections from that source are about a billion dollars a year, more than triple the size of collections from the sales tax, which is next largest city tax.

For the future, the City's two main problems with the real estate tax base are to prevent the stagnation of the core areas of the city, and consequent destruction of the enormous property values there; and to prevent the development of slums in residential areas in the city. Our main objective should be to create the conditions for confident investment in real estate and to promote a healthy, steady growth in the tax base. This is of great importance to the soundness of the city's finances.

Of course it is obvious that if every square foot of taxable land could be developed to the highest density—and then fully rented—the city, as well as the owners of property could get astronomical returns, but the catch is in the word "if." High bulk, high density development creates congestion. Excessive bulk and density development creates excessive congestion. This has been the problem in the core areas of many cities. Those downtown business and commercial areas have felt the depressing effects of competition from suburban shopping centers and industrial parks, which offer more room and easy access. Modern zoning controls which effectively limit bulk and density are vital if congestion and eventual stagnation of core business and commercial areas are to be prevented. Effective control of bulk and density is also essential in residential areas to prevent down-grading and the development of slums. If the city wants a healthy tax base in the future, then it must be willing to impose effective zoning controls now.

An effective set of zoning controls can be of great help both to the city's capital and expense budget.

Capital construction plans can be drawn better if the city has a clear idea of the limits of future population growth. Over-rapid, high-density development of already congested core areas carries in its wake a need for public expenditures which sometimes are beyond the City's immediate limited fiscal resources. More transit facilities, more arterial highways, schools, hospitals, police and fire stations, parking facilities, and

similar projects must then be provided on almost a crisis basis, thereby ruining orderly planning processes and relegating other, only slightly less critical, capital projects to the status of "hoped-for future improvements."

Equally important, if neighborhoods are stabilized, schools and other city facilities will not be left half-empty when families with children move out to less congested neighborhoods. The added costs of providing city services in blighted neighborhoods—police, welfare, and health services particularly—are the budgetary penalties of uncontrolled growth. These costs are only additions to the real human costs of congested neighborhoods caught up in the whirlwind of deteriorating neighborhoods, slum clearance, relocation, more slums, and so on *ad infinitum*.

Entirely apart from any financial considerations, the human factors overwhelmingly point to the necessity for planning to make New York a desirable place for living and working. The absence of planning is a guarantee of human misery in the form of slums and deteriorating areas of all kinds.

Finally, we think that you have displayed wisdom in your approach to the terms of application of the ordinance. The adjustment period you propose not only puts everyone on notice of your intention, important as that is, but it also gives opportunity for testing what is in the ordinance. If critical, unpredictable errors of judgment appear to have been incorporated in the ordinance, they can be altered to fit the realities.

We commend your good sense, your patience, your objectivity and your thoroughness. We hope that you will continue your consideration of all reasonable proposals and then press for Board of Estimate action.

Irving I. Rosenbaum, *Real Estate*

Mr. Chairman and members of the City Planning Commission, my name is Irving I. Rosenbaum. I have been engaged in real estate in the City of New York, principally in the Borough of Manhattan, close to half a century. I am an active member of the Real Estate Board of New York and serve on many of its committees, including arbitration, taxes and assessments, municipal affairs, and education. I have also been a guest lecturer for the Real Estate Board of New York for many years, teaching civics or the application of real estate to children attending our high schools—from that type of group to the so-called expert real estate broker, appraiser, and so forth—the last one being at the Hotel Commodore in November.

I am a member of the American Institute of Real Estate Appraisers, the New York State Society of Real Estate Appraisers, the National Association of the Real Estate Boards, and Builders and Owners Management Association. Since 1950, I've maintained offices at 501 Fifth Avenue and act as real estate consultant and appraiser to estates, trusts, investors, chain store companies, financial institutions, and so forth.

Prior to 1950 and for a period of 32 years I was associated with the Schulte interests, my last position being that of President of the Schulte Real Estate Company and Vice President of the Schulte Cigar Stores Company, in charge of real estate, also for affiliated companies such as Park & Tilford, Dunhill and Huyler's. While with the Schulte interests and subsequently thereto, I've been involved in hundreds of real estate transactions in the City, including many outstanding ones in the Wall Street area, midtown Manhattan, and the residential areas to the east and north of midtown.

In 1926 I pioneered in the development of First Avenue from 49th to 59th Streets, along Mitchell Place, Beekman Place, Sutton Place, 57th Street, and on East End Avenue from 79th to 88th Streets.

Quite naturally, I witnessed the growth of our City and have seen the shifts which have taken place. I've seen the benefits and detriments, witnessed good times and bad times, and during the last ten years witnessed the greatest prosperity that real estate ever enjoyed. I have seen the exodus of industrial, commercial and residential tenants, and I have also witnessed the influx and return. I witnessed blight and the creation

of slum areas, coming as a result of an action on the part of those guiding the affairs of the City and on the part of property owners and on the part of tenants.

It was my privilege to be a member of a city planning committee of the Real Estate Board of New York when the last major revisions were proposed in 1937. I heard quite a hullabaloo raised principally by the members of that committee, representing civic and property owners associations, with cries of confiscation, regimentation, and "you can't do that to us."

You will no doubt recall that such proposals involved a slight reduction of bulk and land coverage. No impairment came to real estate values but rather large increment. I believe it was Mr. Thurman Lee, then President of the Drydock Savings Bank and now Chairman of its Board, who headed the Committee. Mr. Clark Daly, President of the Alliance Realty Company, was Vice Chairman. Mr. Lee, Mr. Daly and I pointed out that we represented property owners, mortgagees and so forth, which would continue long after we have passed away. And we urged that Committee to go along with the proposal. What we sought was not a feast for a day and a famine for years, and we felt the change would bring greater income stability for those that we represented and other betterments to real estate and to our City.

Property owners, merchants, builders, architects, engineers, real estate men, and tenants of any kind and description over the years have sought comprehensive planning and recodification of our zoning laws. And they have been urging the City of New York to take the required step.

Now, there comes before us a comprehensive master plan which provides flexible controls regulating bulk, insuring access of light and air, controls densities, regulates locations of industry, creates residential areas which will permit mixed building types instead of the monotony of single-type buildings and other benefits—all of which in no small measure would bring greater efficiency, a cleaner city, and more stability. And we find objections on the part of real estate brokers, architects and owners. They no doubt objected to zoning variations in the past and they no doubt objected to slum clearance and urban renewal, and the aid granted by the government, state and city for such purposes. But, today, I'm certain there are no real estate men who don't seek more of the renewal projects and the elimination of slums for the benefits that accrue to the City, to commerce and industry and even to them.

Perhaps, in a broker's sense, what is proposed here might be termed a master or comprehensive urban renewal plan for the City of New York and its five boroughs. It seems to me that if the recommendations were

adopted and I hope such will be the case, then there will be some impairment of land values for a very short time but after such a short time values would tend to rise.

From the time the City Planning Commission made its first proposal in February of last year, and more recently, its revised code, I haven't seen any cessation of interest in the acquisition of real estate in this City. And, surely, those acquiring land, or land in building, have been aware of the proposal. I venture the opinion that if the recommendations of the City Planning Commission are adopted, such interest will continue.

What has been proposed by the Commission may not be the perfect plan, yet, it is a good plan and may require some minor modifications which I'm certain can be effected. But, in no event should it be destroyed, with the need to start all over again for it is something an overwhelming majority of our City have been awaiting for a long time.

We will hear much today of investors and the stock market interested in growth stocks. What is proposed by the City Planning Commission would put real estate within that category, and it would afford those engaged in real estate, including owners, builders, architects, and so forth, better growth in the future, better stabilization of income, a better city, eliminate the risk with respect to capital investments coming about through economic obsolescence and transition. It would also bring betterment to commerce and industry, department stores, merchants, and all who live, work, or visit our City.

MAR 22 1960

THE MITCHELL-LINDEN CIVIC ASSOCIATION REPRESENTING 10,000 RESIDENTS STRONGLY SUPPORT YOUR ZONING PLAN FOR QUEENS

MAX SINOWITZ, PRESIDENT

HOLLIS—ST. ALBANS CIVIC ASSOCIATION

113-35 207th Street

St. Albans 29, New York

March 19th, 1960

This Association wishes to go on record in favor of the new zoning resolution.

We feel that the opponents of the resolution are doing so in bad faith.

Since 1916 this group has taken advantage of every weakness of the old law to create slums throughout the city, put gas stations all over the residential areas; we have 18 gas stations on one street one mile long.

They have built factories and junk yards in our neighborhoods; of course they do not live in the areas they try to destroy.

For these money-mad groups we must have this new zoning law, so we can live in a city we can be proud of.

Yours, for co-operation,
Jack Stillman,
President

MARCH 15, 1960

I REGRET THAT PREVIOUS ENGAGEMENT MAKES IT IM-
POSSIBLE FOR ME TO ATTEND YOUR HEARING, BUT
WISH TO PUT ON RECORD THE FOLLOWING: ALL REAL
ESTATE MEN OWE IT TO THEMSELVES AND THEIR CITY
TO SUPPORT YOUR PROPOSED MODERN ZONING PLAN.

WILLIAM ZECKENDORF
PRESIDENT, WEBB & KNAPP

POWERS & KESSLER • ARCHITECTS

15 West 44th Street, N. Y. 36, N. Y.

March 18, 1960

We wish to express our personal endorsement of the proposed Zoning Resolution for New York City, and to congratulate you on your sponsorship of this urgent measure.

Sincerely yours,
POWERS & KESSLER, ARCHITECTS
Gordon Powers
Ira Kessler

CITY ISLAND CIVIC ASSOCIATION, Harvey E. Hauptner

I am Vice President of the City Island Civic Association, representing all the residents and homeowners on City Island, approximately. We are the most northeasterly part of New York City and some of you may or may not know that it is a very small corner of the Bronx. It has always been and still is a nice quiet, pleasant community of individual homeowners and their families. We have three fine churches, one synagogue, one public school and one parochial school.

It is now joined to Pelham Bay Park by a bridge and is the end of the line with only one way in and the same way out. Our principal industry is the building, repairing, servicing of yachts and smaller craft and the attendant departments of marine activity. During the last war, these industries all contributed much to the war effort through the various types of war vessels built by them. Roughly, some 90% of our Island is occupied as strictly residential served by a small business area and the

balance by the marine installations that occupy and have occupied certain restricted portions of our waterfront for years.

Now, originally, City Island was known as Minneford Island after the Minneford Indian tribe living in the area. City Island is settled now for some 300 years, but it did come into some prominence during its early history through the manipulations of one who might be called City Island's first real estate salesman—an Indian character named Wampage who, it was rumored, tried to sell the island, along with what is now known as Pelham Bay Park to three different people at the same time. It is said that when this little scheme was discovered, some of our forefathers chased him right out into the middle of Eastchester Bay and forced him to swim to the mainland. Now, he yelled back a lot of unprintable stuff at those on the shore and he took a walk up Split Rock Road and then he got to Ann Hutchinson's place, who had a nice little split-level ranch house on the opposite side of the Hutchinson River where Freedom Land is now being built. He found this lady taking a sunbath in whatever people took sunbaths in in those days. However, he didn't like what he saw because he politely murdered her.

Now, all this was told to me by an old Indian neighbor when I was a boy, and he even gave me a fine stone axe and a scalping knife which he claimed were the tools this fellow did the job with. Now, I don't say that these were actually the tools because I caught this fellow in a few little fibs myself. So, I'm not trying to change the course of history when I repeat this story here.

Now, from then on things ran along pretty good until the last few years when our people have been forced to stoically endure a steadily increasing number of cars during the summer months that literally tie up all our streets and avenues, are parked indiscriminately everywhere on our streets and set up the most alarming situation in the event of a fire or an emergency. This not only applies to our streets but to every other artery leading into City Island, and its plain that our fire and other emergency apparatus are decidedly handicapped in responding to our area.

Now, with all this to contend with, imagine our surprise and consternation when we suddenly learned what apparently the rezoning specifications had in store for us. The City Island Civic Association, a live, progressive and yet militant group representing the welfare and interest of all our residents, immediately left no stone unturned to get at the bottom of the picture which I must say at that time was not a good picture. A study of the specifications indicated that manufacturing could be imposed on fine residential areas and, also, that an attempt seemed in the making to dissect portions of our most attractive and exclusive

residential waterfront and turn them into business areas that could include marinas, gasoline stations, cheap eating places, entertainment spots that could well be included with strip-tease acts. This could and would spell the end of City Island forever for us. Certainly, there seems to be no thought of trying to protect the name of City Island, prized for a century as the pride of Long Island Sound.

Our delegates started off to our first meeting with officials of the City Planning Commission with fire and indignation in our hearts and in our minds. We were determined to let them know just what our residents thought about this proposed dissection of City Island. But imagine our surprise when we were met by two of the Commission's representatives, Messrs. Jack Smith and Ed Friedman and, eventually, Commissioner Felt and Commissioner Bloustein. None of these gentlemen had horns on them. We were quite surprised at that. This first meeting was followed by a number of others at which our problems were given the most respectful attention. This included their visiting the Island, giving us the opportunity to show them just what we were objecting to. We showed them our homes, our shipyards, our yacht clubs, our churches, our synagogues, our schools, our extremely narrow streets and those portions of our shorefront that were in question.

Then, at a later date, at a public meeting at St. Mary's Auditorium, with the walls literally bulging due to the huge turnout, it was immediately brought home to them that the City Island Civic Association did truly represent every resident and homeowner and that we wanted and demanded a very definite change in the rezoning specifications and maps of the Commission.

Ladies and gentlemen, this Association has presented this entire matter without the help of an attorney or legal counsel for we were and still are convinced that any just and honest opinion can receive an equally just and honest decision, and this seems to have been borne out in this case. The fine, friendly and honest treatment the residents of City Island have received at the hands of you, Commissioner, and your able assistants, has made it quite apparent that we can have only the deepest respect for the Commission's work. In closing, Mr. Chairman, on behalf of the City Island Civic Association, I wish to put into the record here today that we heartily endorse the decisions and the map specifications of your body as they stand at this moment in respect to the rezoning of City Island, New York City.

SAVE THE VILLAGE COMMITTEE, Arnold Bergier

I represent an organization called "Save The Village"—a most marvelous organization. "Save The Village" is comprised of tenants and landlords and people in real estate and poets and sculptors and painters and people in the shoe business, and in one business or another. Really, I would say, we are quite a cross-section of New York in ourselves and I hope we are here to stay. Our main purpose has been in the past six months to acquaint the entire community with the danger to our community resulting from hyper-activity of certain real estate interests in Greenwich Village. The place has become rapidly populated with some of the barracks-like structures that are beginning to destroy our neighborhood.

I have been asked to deliver messages to you from a number of different people and organizations. I have here a number of letters which I would request, if you would be kind enough to do so, to be placed in the record, and one poem that was written which I would ask your indulgence in reading. It's a very short one. It's written by a delightful little lady who doesn't claim to have much knowledge of the intricacies of zoning but she has an idea that what we want here is a cleaner, brighter and happier city and so she has taken the liberty to express it this way:

THE PEOPLE'S PLEA

O City Fathers, hear our plea,
that we may ever see a tree amid this maze of masonry.
That we may smell the air brand new
instead of coming through a flue,
and feel the rays of sunshine bright
instead of turning on the light.
That we may view the open sky,
not always meeting buildings high,
and place along the New York shore
our mighty industries to roar.
Then keep a little spot, we pray,
for children to enjoy their play.
And now that we have had our say,
we hope your zoning goes this way.

Mildred Miller

I've also been asked by Assemblyman Passanante to convey to the gentlemen of the Planning Commission his wholehearted support of the Zoning Resolution. I also believe that Senator McNeil Mitchell will also convey his support if he has not already done so.

We're sort of a clearing house, as I said before, for a vast cross section of folks in our community. I think the folks in our community are wholeheartedly behind you. I had planned to take a few healthy cracks at some of the people who were opposing the Resolution for reason of self-interest and I've decided, really, not to do so because to me nothing is more pathetic than people who allow a few thousand dollars to stand between themselves and the love for their community.

We are all with you, and if there is anything we may do to aid you in further progress, if we may be of any value in consultation . . . We wish you luck, and God-speed.

CITIZENS' HOUSING AND PLANNING COUNCIL, James H. Scheuer

As an urban redeveloper, in cities from San Juan, Puerto Rico, to San Francisco, California, and as one active in the civic side of housing and planning, I am acutely aware of zoning laws, not only in this City but in other cities.

As a native New Yorker, who instinctively believes that New York always has the best of everything, I have been astonished to find that other cities have more up-to-date, intelligent and progressive zoning laws than New York.

Other cities have zoning laws which protect the city from overcrowding, over-congestion, loss of light and air, and the concentration of development in a few areas to the detriment of the city as a whole. Other cities have zoning laws which permit the exercise of imagination by the builder and the designer, and avoid imposing weary repetition of the same building pattern through archaic building and zoning regulations.

I believe that in the end good zoning like good architecture is economical, not expensive.

For this reason and others, I and the Citizens' Housing and Plan-

ning Council heartily endorse the new Zoning Resolution proposed by the New York City Planning Commission, and I would like to submit for the record a detailed study which Citizens' Housing and Planning Council has made of the proposed Zoning Resolution.

I believe especially in the principle of controlling the density of residential development. Conscientious builders actually avoid overcrowding their projects because they take a long-range view of the investment they have made. These zoning controls will prevent speculative builders who are interested only in a quick dollar from destroying the neighborhoods and reducing the value of what the good builders are doing and will do around them.

In the Title I Urban Renewal program, the cities, states and the federal government join hands in guiding the long-range development of our neighborhoods, our boroughs and our cities. Why then cannot we plan for the total growth of a city in the same fashion in which we plan for spot urban renewal projects? In the long run it is good business for the builder to take the risk of a slightly increased rental in order to protect the neighborhood in which he is building against the deterioration which follows construction by those who exploit the present weakness of the zoning laws of New York to the full.

Good zoning seems to me good business for the builder, particularly for the builder who cares about the people who will live in his structures, and the community in which he makes his livelihood. It is also without any question good business for the community and for the governmental units which must support new communities and which must live off the tax base these new communities will create.

We have seen in the post-war years the bloody carnage which unplanned, unzoned, un-thought-out development has created in Queens. Today, we can look back in anguish in examining the fashion in which raw land—that most precious of all our natural resources—close-in raw land, has been ground in the dust and has spawned sanitized slums of tomorrow without any semblance of adequate community facilities, recreational, cultural, educational facilities, and that great resource—plain open space for people to enjoy. We have an opportunity in the development of Staten Island to avoid the wreckage which unplanned, unthought-out, development has perpetrated in the Borough of Queens.

This Zoning Resolution is one way of facing the challenge of the future and the development of the remaining underdeveloped portions of our City forthrightly, and with the intelligence which we should bring to bear on these problems. I suggest that planned development of an interesting, heterogenous community can take place. It is taking place now in a magnificent and epoch-making prototype on the west side of

Manhattan Island—the development from 87th Street to 97th Street is planned but will be interesting and stimulating and will avoid the deadening monotony of some projects. It will give a sound economic and social basis to the development which is taking place there. It combines rehabilitation with demolition of structures which cannot and will not be saved and the erection of fine new structures. It provides family-sized apartments instead of just a concentration of the very small units for single people and perhaps, at the most, married couples.

It provides for all income groups, some public housing, some middle-income housing for that great stabilizing factor in our society—the middle-income family, and some upper-income Title I housing, too.

I think we are going to prove in New York that planned development can work, and I suggest to you that if it makes good business for the federal government and the cities to plan for urban renewal projects within the confines of a project area, it makes just as good, if not better sense to plan for the development of the City as a whole.

This is an opportunity that we haven't received very often in New York. It comes once in a quarter of a century or half a century, and once it's missed, the engines of development are triggered nevertheless, and it's difficult, if not impossible, to get a second turn at bat.

The past lies behind us—a challenge that we failed to meet in Queens. The future lies ahead of us in Staten Island and also in parts of New York City, Manhattan island, particularly, where burgeoning development is going on right now. We are creating now the kind of a city we will be living in, our children will be living in, for the next half a century.

We can guide the growth of this City; we have the brains and the talent and the imagination to do it. We hope desperately that this unique opportunity that we have today, with the fine thinking that has gone into this new Zoning Resolution, will not be passed up.

Max Abramovitz, *Architect*

As a practicing architect in this City for the past twenty years and long interested in good building and the best inter-relation of buildings to each other to contribute to acceptable space and density conditions for our City dwellers and workers, and aware of its real estate problems as well, I and my colleagues have been earnestly concerned for many years about the need of balance between open space, land utilization, and density, to avoid indiscriminate and inconsiderate exploitation of light and air without consideration of the impact on the neighboring buildings, neighborhood, pedestrians and traffic.

This is in much due to our antiquated standards, which have not been up-dated to modern forward trends of building groups, neighborhoods open space needs, and the effect of buildings of all types upon each other.

We are fortunate that we can have for consideration at this time a Zoning Resolution based on a neighborhood and overall City philosophy as opposed to the type of zoning we have now, which is on an individualistic basis without direction or thought of today's trends of reasonable and sensible City growth and inter-relationships.

The proposed resolution presents great possibilities for our next growth phase on a qualitative basis, wherein our City services can be more adequately planned, our individual buildings better related to balanced neighborhoods and to large-scale developments, our parking facilities can be more logically related to street capacities and density loads, and our use districts properly analyzed to the problems of the coming decades; so that our land, building and City values can in the foreseeable future not deteriorate as they have in certain areas and lead to the need of major surgical overhaul as is evident in many sections of our City today.

Our real estate owners have a responsibility to our City because they affect our daily lives, and the atmosphere we live and work in. And they must help us adjust values, not to what the traffic—money-wise—will bear, based on circumstances as they are today, but on what is good for the City. We have such thoughtful real estate men in this City. We must encourage them more and control those who wish to exploit antiquated zoning values.

Built-in bonus aspects in the Zoning Resolution is an interesting step towards good planning with æsthetic values of buildings and open areas in view. These values are dear to all of us for, when achieved, they are acclaimed and enjoyed by all—from the ever-observant New York taxi driver to the visiting tourist.

The conscientious architects of this City, who look upon the City as their own home, have for many years been interested in a revision of zoning conditions to control the sometimes unscrupulous and other times unknowing individuals who use the outworn cliches of uncontrolled competition to justify uses that hurt our City.

We have been able, from time to time, to prevail on conscientious clients to produce buildings and building groups that are considerate of their neighbors, but we need the aid of the proposed Zoning Resolution to help us spread this practice further and encourage others as its potential is fully understood.

True—progress, unfortunately, imposes hardships for the good of the whole, but even the gentlemen of the opposition do not hesitate to impose hardship on tenants displaced to build their buildings. Yet, there is a middle ground of good, and this proposed resolution is in that direction with built-in procedures to lessen honest and unusual hardships where they occur. Time will cause proper adjustments, as it has in the past, and men of goodwill will accept the adjustments just as they adjust to the changes in interest rates and the money market.

I heartily endorse this Zoning Resolution as a move for a better balanced City, which will help our planners to search for thoughtful solutions for traffic, municipal services, policing services, recreational services, and general good-neighborhood space relationships.

E T N A

EAST TREMONT NEIGHBORHOOD ASSOCIATION

2011 Clinton Avenue, Bronx 57, N. Y.

March 25, 1960

The East Tremont Neighborhood Association which includes civic, religious, social and educational organizations wish to go on record as supporting the proposal for a Zoning Resolution for the City of New York submitted to the City Planning Commission by Voorhees Walker Smith and Smith.

The East Tremont Area suffers from overcrowded areas which have inadequate access to light and air. Non-conforming use and inadequate servicing of existing buildings is slowly transforming an ideal residential area surrounded by parks into a slum.

We believe this resolution to be an excellent plan for facilitating urban and neighborhood conservation and renewal. It is gratifying to see the emergence of real city planning after so many years of neglect.

We urge you to support this resolution.

Yours truly,
Mrs. Phillip G. Siegal
President, E.T.N.A.

William Lescaze, *Architect*

I am here as an architect who has practiced in New York for the past thirty-seven years. I am offering this statement in favor of the proposed amendment of the Zoning Resolution.

While not perfect in all of its aspects, it constitutes a tremendous step forward in the right direction. It is a much more intelligent and much more flexible instrument than the present Zoning Resolution with which to guide the growth of our beloved City.

I hope that efforts will now be made to bring about a better relationship between the Multiple Dwelling Law and the Zoning Resolution.

I strongly urge that several of the recommendations made in the excellent analysis of the Zoning Resolution prepared by the New York Chapter of the American Institute of Architects be given serious consideration by the City Planning Commission.

For instance, the recommendation that the increase in the plaza bonus and in the arcade bonus should be applied to the "effective lot area" rather than to the floor area ratio.

The idea of a bonus for plazas and arcades is excellent but the Chapter's suggestion which makes it much more workable should be accepted.

Another instance is that their recommendation regarding increase in tower coverage for the smaller lots up to 20,000 feet be accepted since it is a sensible encouragement to the investment builder.

In regard to permissible bulk, I have verified that the proposed Zoning Resolution would permit about the same bulk for the office building which I designed at 711 Third Avenue a few years ago as the present Resolution does. I have further examined evidence that the great project of Grand Central City could be built as well under the proposed Zoning Resolution as under the present one, regardless of inaccurate statements to the contrary, which have been widely publicized.

I therefore recommend wholeheartedly that the proposed amendment of the Zoning Resolution be adopted.

MANHATTAN LAND OWNERS ASSOCIATION, Alan S. Marcus

Greenwich Village homeowners, like most landowners, have the same interests as any property owners who conduct business or live in their own buildings. It is these property owners who comprise the membership of our Association. It is their interest, not only to make a profit, but also to maintain harmony by proper upkeep of buildings and grounds, and cordial relationships with their tenants and neighbors. These owners are naturally concerned with their community's welfare because they are part of their community. They have long-term interests in their neighborhood. They endorse wholeheartedly the text of the City Planning Commission's Proposed Zoning Resolution which, among other fine contributions, would protect the character of a neighborhood by preventing sudden changes and over-crowding. Property values then will be safer. Human values will be respected. There is another type of owner who takes an opposing view. He's not interested in the neighborhood; he's only interested in a quick buck. This operator builds with the idea of reselling before the cracks begin to show. He profits and gets out; and then the new owners, their tenants, and eventually the City, are saddled with a slum.

Apparently, there is a controlling group within the Real Estate Board who feels they can ignore human values in opposing the Zoning Resolution.

It was, I believe, Winston Churchill who said, "We shape our buildings, and then they shape us." The operator shapes buildings without regard to human needs, taking advantage of archaic zoning and building codes. The legacy of that speculator is an economic rat hole for the new owner. The barracks-like construction and paper-thin walls destroy privacy and individuality. It robs tenants of their human dignity. The lack of air and light creates a dismal and unhealthy atmosphere which makes these people, as are their dwellings, cold, dull, disinterested, irresponsible. It creates breeding-grounds for mental and criminal problems. Ultimately, it is the entire City that pays—with lower taxes collected on rundown property, increasing welfare rolls, and prison expenses. Property owners are hit with a higher tax rate. The Real Estate Board shows no more concern with, or understanding of, the future of New

York than their predecessors showed in 1916 when they predicted dire consequences for the City.

Today, a few speculators are claiming that industry will move out of New York if the new zoning passes. The fact is that New York's growth has been slower than many other cities in the past ten years under the present zoning laws.

Chaotic zoning conditions have stifled progress. A city of 8,000,000 people requires up-to-date planning if it is to flourish economically. In 1960, we are more than half way towards the 21st Century while the Real Estate Board, still biting and kicking from out of the 19th Century, is trying to drag our City backwards. Thank goodness, they are a small minority.

We are grateful to Commissioner Felt, the members of the Planning Commission, and the experts who have made sense and order out of a complex and chaotic zoning problem. As Mayor Wagner had an important hand in starting the zoning research, we hope that he and the Board of Estimate will soon finish the job by making it law.

UNITED PARENTS ASSOCIATIONS OF NEW YORK, Harold Siegel

We are wholeheartedly in support of this proposed Zoning Resolution. As a matter of fact, the more I have been going into it, the more I wonder why it has been so late. Certainly, this hearing should have been held fifteen years ago.

Basically, as we see it, the issue turns on what the City should be. Is it to be a place where people can live, work, do business, bring up their families and their children with some decency, with some comfort? Or is it to be primarily a place where a few, the very few, have a legal right to reap unlimited profits at the expense of everyone else? Or is it to be the kind of a place—The City of New York—where people with families want to stay and will remain?

I doubt that there has ever been a zoning resolution which was not greeted by Cassandras and prophecies of doom. This is in the nature of things in zoning resolutions, and I believe it bears out a history of about seventy-five years. Somehow, though, when the dust settles, the "doom"

turns out to be not so bad at all. For some people, it's even pretty gay as time goes on. One realizes that even with this Resolution, approximately a fifty percent increase in residential population is possible. One can only gasp in fearful anticipation of the growth that can take place, particularly in some neighborhoods.

Fortunately, the envelope which even this resolution provides now will probably not be filled for more years than any of us can anticipate. We are particularly pleased to see for the first time in a zoning resolution or in any other official document of the City, that there is some procedure for anticipating needs in a neighborhood when large-scale developments are planned. This resolution provides that where large-scale developments are planned somebody shall take a look and see whether other facilities, schools and other community facilities, are required, and then set up a procedure that gives the City authorities some three months in which to work.

I am not at all sure, if I may say this, that this long step forward is also a firm enough step. Frankly, I don't know any other answers, and I would ask that you seriously consider—if the Planning Commission has established a need for community facilities—I'm referring to, I believe, Section 25-23. If the Planning Commission determines that a need exists, then we would hope that some step could be taken to satisfy that need. I recognize that there is no way in a zoning resolution of determining in advance the City's building program; and I recognize, also, that there are probably serious legal problems involved. But if a reservation of sites is decided as being necessary, then would it be possible to put some teeth into this proposal? Now, whether you can or not, I don't know, but I would ask you to look into it. We have tried and, frankly, have come up with no answer.

We are concerned for passage of this resolution, also, because for the first time, perhaps, it will be possible for the appropriate City agencies to make some meaningful predictions of future population and, particularly, future school child population so that more effective planning of schools can be done.

As you know, those of you on this Commission are very much aware as things stand at present, from year to year nobody is able to predict what the needs will be in the very near future. This resolution offers some promise and for these reasons we are totally in support and would like to see it passed. And I'm very grateful to this Planning Commission.

LIBERTY CIVIC ASSOCIATION INC.

114-15 174th Street

St. Albans 34, New York

March 21, 1960

This communication is to advise you that our Association is in approval of the proposed revision of zoning regulations as submitted by you.

Very truly yours,
William C. Hughley,
President & Director

MARCH 15, 1960

HAVING CAREFULLY STUDIED NEW ZONING PROPOSAL WE URGE ITS ADOPTION FOR BETTER ARCHITECTURE AND A BETTER CITY.

KATZ WAISMAN BLUMENKRANZ STEIN WEBER
ARCHITECTS ASSOCIATED

**LENOX HILL NEIGHBORHOOD ASSOCIATION,
YORKVILLE HOUSING COMMITTEE, Victor Remer**

I am Associate Director of the Lenox Hill Neighborhood Association and Secretary of the Yorkville Housing Committee, which is composed of some 125 members representing the large institutions in our area: Churches, hospitals, social agencies, banks, schools, local political clubs of both parties, as well as public officials.

At our last meeting on March 9th, 1960, the Committee, by a unanimous vote, agreed to support the principles of the proposed rezoning resolution. We believe that this resolution is essential and long over-due; and in the best interests of all of the people who live and work in the City of New York. We will be delighted to stand with you and other proponents of the resolution in working for its enactment into law.

After hearing some of the statements made this morning, I would be remiss if I did not add the following. It has been a delight to observe the role of the City Planning Commission since the inception of the first draft of the rezoning study. Concerned individuals and groups all over this town were given the rare privilege of working with the City Planning Commission, of having the assistance of the staff of this Commission, who interpreted the technical aspects to us, who listened patiently to our criticisms and suggestions, and who showed such receptivity to modifications that were valid.

Your concern for maximum citizen participation is truly a reflection of the best in democratic public administration, and all of you deserve the plaudits for a magnificent job.

BEDFORD-STUYVESANT NEIGHBORHOOD COUNCIL, Martha Ross Leigh

The Bedford-Stuyvesant Neighborhood Council is a voluntary association of approximately eighty block associations in a large, old, residential section of north central Brooklyn. At the regular monthly meeting in February, the representatives authorized me to appear at this hearing and express their support of the Zoning Resolution proposed by the Planning Commission.

In this organization, most of the members own the houses in which they live, and in this way we have great sympathy for the gentleman from City Island. However, the general nature of the area is quite different. While the houses are owner occupied in a great many cases, they are large houses. This whole area of Brooklyn is the result of the over-building with luxury housing in the period of probably 1875 to 1885, or so, and the recent occupants of these houses made valiant attempts to modernize to make better usage of them. Primarily, they are single-family houses and two-family houses, with a number of conversions, mostly legal conversions, to small multiple dwellings.

We are very much aware of the menace to our neighborhood that is inherent in the present zoning, which in many instances has never conformed to the generally residential character and use of the property. The original mistakes of the 1916 zoning and the possibility of variances are a constant threat to our peace of mind and our property values. As you can imagine, many of these blocks included stable properties and small blocks between residential blocks of big houses had stables which, eventually, were converted into garages and recently have been more and more converted into small manufacturing establishments, which was never anticipated at the time they were built. So these variances that are being granted right along—we're threatened with another one now on Putnam Avenue—are intrusions into a predominantly residential area.

As we stated at the preliminary hearings, we are convinced that the proposed Zoning Resolution will be much more conducive to the security and stability of ours and other residential areas of the City. None of us who have studied the text of the resolution are experts. None of us are builders. However, we are aware that the intent of the Commission in making these proposals is to accomplish very drastic improvements in every aspect of city life, in assuring more access to light and space for all

new building units, in controlling the objectionable aspects of manufacturing and commercial activities adjacent to the dwelling units, and by requiring arrangements for off-street parking and loading, probably relieving to a considerable extent the present traffic congestion.

In making this statement in support of the proposals, we believe we speak for hundreds of families in this and in other residential areas throughout the City, who have occupied their present homes for twenty years or more, and who hope to continue to live here in the City. Though we individually are not important, we feel that our opinion should carry weight against the opposition to these proposals, which comes largely from a group that thrives on the instability of neighborhoods.

The organized real estate operators naturally are not in favor of stabilizing influences. Their livelihood depends upon changing neighborhoods, upon the sale of property, and, upon people moving from one area to another as often as possible.

We want to establish ourselves and be secure and rooted in convenient, attractive and pleasant home communities. Therefore, we support the Proposed Zoning Resolution and hope it may be enacted by the City.

Abe Solor, *Builder and Developer*

I appear here as one of the largest property owners on Staten Island in favor of this resolution for the reason that Staten Island will be benefited more than any other borough in the City with this new zoning concept, regardless of whether this thing may hurt me in the amount of dollars and cents on the properties that I own.

I am a realistic real estate man, having worked in every borough of this City since 1926. I've seen every borough grow, even in the days before I was in the business. And let me tell you, gentlemen, that the job that you are conceiving in this new resolution, both for Staten Island and the City as a whole, should be commended. I happen to be a Director of the National Association of Home Builders with a membership of 43,000 and have been on that Board for the last nine years and know how planning is done throughout this country.

Gentlemen, don't let all the real estate interests tell you that economically and otherwise they are going to be at a loss.

I think, economically, they are going to be at a gain. Just let them make up their minds that it's very easy to study this resolution if they want to—if they haven't got preconceived opinions before they read it. That has been the trouble with most of our organizations in Staten Island, who have studied this thing. They have studied it for the benefit of those few who sit on those committees and have got personal gripes that they may be affected by this new concept of zoning.

HUDSON GUILD, INC.

A NEIGHBORHOOD HOUSE

436 West 27th Street, New York 1, N. Y.

March 18, 1960

Hudson Guild Neighborhood House would like to go on record as favoring the proposed "comprehensive amendment" to New York City's Zoning Resolution.

We have worked for over 65 years on the West Side of New York City, in the Chelsea area, and constantly see the unwholesome results of out-of-date zoning regulations. The impact of mixed land-use for residential, business and industrial purposes leads to deterioration of all aspects. The great diversity in some areas, the lack of open space, the congestion of traffic and parking are not only creating decay and blight, but at the same time driving families out of the city.

We urge the approval of the modern zoning proposal.

Sincerely,
H. Daniel Carpenter
Director of Hudson Guild

QUEENS FEDERATION OF CIVIC COUNCILS, Max M. Lome

My name is Max M. Lome, Co-Chairman of the Federation of Civic Councils, of the Borough of Queens and likewise its Zoning Chairman.

We represent some 180 civic associations within the Borough with a total membership of some 200,000 homeowners within that borough of the City of New York. From a position of contribution to the affairs of the City of New York, I might say that the homeowners that we represent, in the payment of their real estate taxes, contribute each year somewhere in the nature of 138 million dollars to the operation of our City. And the people have now come before you and have asked me to speak in their name and on their behalf on the matter of the proposed zoning resolution.

It is needless to say at this moment that we most vigorously support the proposed zoning resolution that has been offered by the Planning Commission for submission to the Board of Estimate. Not only do we vigorously support it but we urge upon you that all haste be made in such submission so that we can at least get some order out of the chaotic conditions that exist under the old zoning resolution, particularly in the Borough of Queens. Although I know that I was scheduled to speak in the afternoon, I came here this morning in order to listen to and hear the arguments advanced by those who are opposed to this zoning resolution and at least to make myself, within my own mind, satisfied that the position that we have taken is not only justified but is the only position that will inure to the public health, safety and general welfare of the people of this entire City. In all the arguments that I have heard, I am glad to say at this moment that I feel more than ever justified in our position and feel more than ever dedicated to support it as vigorously as I can, not only before this body, but before the Board of Estimate.

At this particular moment, let me say that with reference to some of the statements made by the last speaker, I as a homeowner representing 200,000 homeowners can only stand before you and say that it is the petroleum industry and that industry alone that has been the greatest malefactor in creating the present conditions that exist not only within our Borough but in all the boroughs of the City of New York.

How can we, in Heaven's name, reconcile a condition where we can see eleven gas stations within an area of eight blocks? How is that neces-

sary to support and supply the needs of the people of small communities? And yet, there has been ever and ever increasing demands for variances to permit the petroleum industry to set up its gas stations in all areas, not only in our retail districts but in our residential districts, as well. The only way they have been able to do that is by making their applications under Section 7 (e), which gives to the Board of Standards and Appeals *carte blanche* authority to grant these variances without any specified reasons.

There are plenty of provisions within the new resolution that when a man comes forth under the provision of this proposed resolution on practical difficulties and unnecessary hardships—when this individual comes forth in good faith and says that this property cannot be used, cannot be developed for any other use but a gas station, there are provisions and ways and means to apply to the Board of Standards and Appeals for such a use. But here, our neighborhoods have been blighted; they have been desecrated, degraded and depreciated by a use that adds nothing to the beauty of a neighborhood nor to its well-being. For wherever there is a gas station, immediately behind it there is a deterioration of property which ultimately winds up either as a junk yard or the home that is built there is run down to such a degree that it begins, like a cancerous growth, to spread within the neighborhood and cause the very slum areas that we are trying to abolish and obliterate.

Remember, gentlemen, it is not only people who create slum areas—it is the zoning and planning board of a city that permits such planning, to produce such buildings, that generally create the overcrowding and great density that is fertile grounds for the beginnings of the creation of the slum areas. We have been most fortunate, I believe, to be able to participate with the members of our Planning Commission and the city government in this little—and I say little—portion of civic adventure. For here we are being given the privilege of leaving behind us something that may, and I hope will, be a monument to the foresightedness of the people of this generation.

Since 1916, we have lived with a zoning resolution that was not a zoning resolution at all. There were so many safety valves for evasion of a strict conformity with the zoning resolution, that we were finally able to produce within our City such a hodge-podge and crazy quilt of zoning that if you were to take a walk through the City of New York, you would be amazed at the uses that exist on one square block of property. Certainly, for the greatest City in this world, for a City which we must hold out as the cradle of democracy, we should at least produce something that is not only modern, but that is beautiful and will stand as a monument for which we shall never need to be ashamed.

We have been accorded such great opportunity by this Planning Commission to meet with them and to discuss with them this present zoning resolution, that we feel that in a sense this is not only the zoning resolution of the Planning Commission, but it is the zoning resolution of the people and, particularly, of the people of the Borough of Queens. For over a year we have met constantly with the Planning Commission and have been accorded every opportunity to submit to them changes, recommendations and modifications which we thought would inure to the benefit of the people as a whole.

We have no selfish interests to serve here. We are not realty operators who must get the last bit of financial drainage from a particular portion of real estate. We are interested in a beautiful City, in a City where we can bring up our families, our children, and leave to them a heritage so that they will never be able to say, "These are the tools you left for us. These are the slums that we were forced to correct in the later generation." The opportunity is now, and no amount of amendments to the old zoning resolution can in any way bring forth something that will create the conditions under which the present City of New York has been built.

All the amendments—and there are over 2,000 of them, not only in text but in mapping—that were ever made were only fresh mistakes that brought new hardships and a great deal of privation upon the people of our City. Do you know that the people of the Borough of Queens live in constant fear of the Board of Standards and Appeals because we have lost all confidence in that body to preserve the intent under which they were created, which is outlined in the zoning resolution, which is to preserve the health, safety and general welfare of the people?

Can you visualize in a residential area a garage for buses, gas stations that are put up in residential areas; warehouses and factories going into residential areas, and all under Section 7 (e)? And when we go to the Supreme Court on an application in a *certiorari*, the Supreme Court uses the same phrases it uses hundreds of times—that it cannot substitute its judgment for the judgment of the Board of Standards and Appeals because it is set forth in the law that unless we can show that they are so arbitrary and capricious as to be outstanding, it—the Supreme Court—cannot act. And you know, gentlemen, how difficult it is to prove and to show that.

And yet, even when the first draft of the new zoning resolution, as set forth by the architects, was delivered into the hands of the people of this City, there was such an upsurge in applications for variances that it became almost a burden to the people to watch the bulletins and to go constantly to the Board of Standards and Appeals to oppose them. Not

only am I talking of gas stations and factories, not only am I talking of junk yards, car repair stations and warehouses, but I'm talking of our most restricted one-family residence use district—the "G" and the "G-1" Districts—that at the present time are the only spots of beauty to which we can bring visitors from foreign climes and say, "This is the manner in which we, the people of a Democracy, live." And what do we see happening in those districts? Application upon application for the invasion of apartment houses in those areas.

Now, if the people were not so selfish in trying to milk the last dollar from this land—and these areas have existed as one-family home zones—if they were not so anxious to create cliff-dwelling apartments where normally there were five or six one-family houses—they get these parcels together and get exorbitant prices for the land and the house and intend to erect upon them an apartment house to accommodate 190 tenants—190 families where five formerly existed. This, of course, being permissive under a very broad statute of Section 7 (e) has been granted in many cases and denied in a few. But, however, it brings up this fundamental thought in one's mind.

Here is a zoning resolution created in the horse and buggy days of our era, where the people envisioned the creation of a City to house 55 million people. On this little grain of sand that we call the City of New York they envisioned 55 million people. With only 8 million people, look at the hardship and difficulty of maintaining a good City government. Density of population is a very important factor in the development of the City.

We are at present living in an atomic age. Gentlemen, God help us if for any reason at all, we permit such an expansion of this City to even envision 25 or 30 million people in this particular area, and if some dictator, motivated by insanity or any other force, should press a button. To my mind the cities of the future need to be, more than ever, sparsely populated areas—less density per square foot than ever before, for our own well being and the preservation of our way of life.

Unfortunately, as I listened this morning to the very many speakers who came up here—and I shouldn't say very many because there were only two or three—who came up and spoke in opposition to this proposed zoning resolution—the only thing that I could get from them is that the present height and bulk regulations and density will not bring in the dollars, the silver that is necessary to make a big profit. I disagree with them because I can envision a city built under the rules and regulations envisioned in this particular zoning resolution that will bring not only a fair return but will make us a city of which you, the Planning Commission, will be proud and the people who have participated in it will say

to themselves, "We have, in some small measure, been responsible in leaving to our children and our children's children something that we can be proud of."

Of course, Mr. Chairman, we have submitted to you some modifications which we would like to see incorporated in the new zoning resolution. To an extent, these are tightenings of the present restrictions because we have found—and we are the people, we are the government of this City—we have found that we cannot have confidence in administrative officials appointed to office unless these restrictions are incorporated and are not made a matter of fancy or whim on their part. We must have a resolution that will secure to the individual buyer of a home the knowledge that, "There can be no change in my district. I can feel secure that there can be no invasion of a non-conforming use." I must have these regulations codified explicitly and set forth at length before the people feel they can come before you and support the resolution.

Mr. Chairman, it gives me a great deal of pleasure, on behalf of the people of Queens—200,000 homeowners, almost over a million people who have come before you today and, through me, ask you not to delay, because, remember, there has been sufficient time given for proper perusal of these regulations.

We've had it since 1950, when the first Harrison, Ballard and Allen plan came out. We set up committees to study the inefficiencies, inaccuracies, and the bad features of the zoning resolution, and we were prepared when it came forth in 1959—to know what was good, and to implement them and request them of you. There has been no haste. In fact, as far as we, the people, are concerned, you have been fumbling around and have taken your time to such an extent that I fear that with the upsurge of all these demands for variances, we may have fifty to a hundred years ahead to correct the terrible mistakes that we have made now.

With one final word: we in New York City are most fortunate in the way we can proceed to correct the mistakes that we have made. We need no blitz to level our cities in order to rebuild. In this particular city we rebuild almost from day to day. We progress as we go on. We tear down and rebuild. So this is the time to do it. This is the moment to act. Please on behalf of the welfare of the people of our City, act, and act as expeditiously as you can, for in their behalf, this must be done.

STEVENSONIAN DEMOCRATIC CLUB

505 Second Avenue

New York, N. Y.

March 18, 1960

The membership of the Stevensonian Democratic Club of the 6th Assembly District, Manhattan, has gone on record in favor of Proposed Rezoning Resolution drawn by the City Planning Commission. Our membership, while fully realizing that no zoning regulation can be in all respects perfect and that from time to time changes therein or exceptions thereto may have to be granted, wholeheartedly supports the basic principles behind the proposed resolution.

It was the intention of our organization to appear at your hearing, but since there are so many persons wishing to be heard, we feel our views can be as well expressed in writing. I feel certain that these written views will be given as great consideration and weight as had a personal appearance been made.

Please make this letter part of the record of the Commission hearing.

Very truly yours,
STEVENSONIAN DEMOCRATIC CLUB
Leonard S. Halpert,
President

Arthur C. Holden, *Architect*

While the Commission was drafting the original Zoning Ordinance of 1916, its young secretary, George B. Ford, lectured at Columbia University in a course, called Civic Design, in which I was fortunate to be enrolled as a student. Because of this and because of my subsequent friendship with Edward M. Bassett, counsel to the Commission, I am familiar with the reasoning which framed that epoch-making ordinance.

The Commission was created because public opinion was alarmed by the Equitable Building which was reconstructed following a disastrous fire, and it was felt that the over-development of individual plots of property was taking too much light and air away from streets and neighboring property and could be shown to be injurious to the public health and welfare. The Commission had to face the fact that though it was authorized to use the police power of the state for public safety and health, it was necessary to keep within limits that were likely to be held constitutional by the courts.

That was one reason for separation of use zones, area zones and height zones. The set back principle was introduced into law and thus was made applicable to sizes of courts and yards as a measure of health. Of course there was opposition very much like the opposition we encounter today. It was even pointed out that the prescribed court sizes would make building impossible.

Most of the opposition, however, was centered around what could be done in office buildings and large hotels. The tenement house law of 1901 had already set limits to courts and yards and to the heights allowed for multi-story residences. The new zoning law as introduced did not affect small residential buildings and scarcely affected the bulk of the average six-story apartment which was being erected in large quantities at that time in the Bronx and upper Manhattan. The original Zoning Ordinance was not as restrictive as the old tenement house law, therefore, we began to develop a class of buildings under the guise of residential hotels. I know because my office was retained as advisor to the Commission to revise the tenement house law in 1926.

That Commission was defeated in what it attempted to do, and my office was dismissed. The proposed multiple dwellings law was reshaped so as to add to the permitted bulk of residential buildings. The set back principle was made a part of the multiple dwellings regulation.

Take a look at the Empire State Building and you'll notice that there are no courts at all. The original zoning ordinance was worked out on the basis of what was the then average size of lot. By the use of larger sized lots it was found possible to gain what seemed like an economic advantage. The Empire State Building is an example of the utilization of the complete zoning envelope. This means the use of the air rights over a particular lot which is not restricted by the *prohibitions* of the Zoning Ordinance. There you have the phrase that characterized the original ordinance of 1916. It was an ordinance based on prohibitions in the interest of public health and public welfare.

The proposed ordinance represents a more mature approach. It has been framed from the positive rather than the negative point of view. It states what is permitted rather than what is prohibited. It begins by say the floor area permitted in a building should be determined primarily by a ratio of floor area to lot area which varies according to the zone in which the property is situated. Yes, the proposed ordinance will have the effect of reducing allowed bulk of buildings. It is intended to do so. It should do so. The original zoning ordinance started tendencies which created buildings of greater bulk than were dreamed of when the original Commission recommended regulations which its conscientious members believed might be sustained by the courts.

It has become advantageous for speculators to assemble large plots because builders have learned that court and yard restrictions and even the coverage restrictions of the recent amendments are less restrictive considered in relation to large plots. This has had the effect of bidding up prices for land. Then in turn as market sales are recorded it is made possible for the city to assess higher taxes in sections where land is being actively traded. This again tends to force more intensive development and greater congestion of streets and living quarters as well as in commercial space plus the tendency to drive industrial uses out of the city.

Now it isn't necessary to go into details. I don't presume to say that the proposed ordinance is perfect but it attempts to do several things that are supremely important for the general good of our city:

- 1) *It attempts to reduce allowed bulk.*
- 2) *That in turn should reduce the tendency to exploitation.*
- 3) *It is positive and permissive rather than negative and prohibitive.*
- 4) *It introduces some very sensible new means of measuring standards—the floor area ratio, and the open space ratio.*
- 5) *It provides a bonus for open space.*

Now let us not be impassive because we are frightened by technical difficulties or because, before we start working with it, the proposed ordinance looks hard to understand. This is a democracy and we, the public, act because of our convictions. We act because we feel a cause to be the right one. It is upon our emotions that we finally depend rather than all sorts of complicated reasons that are debated back and forth and frequently serve only to cause confusion.

This ordinance is designed to check exploitation and bring the city back more nearly into channels that harmonize with human scale. Remember that zoning can never be a substitute for good planning; zoning is good when it checks selfishness; zoning is good when it promotes cooperation. Whenever a whole block, even a block controlled by adverse ownerships, or a neighborhood, or wherever in fact, groups larger than one individual owner, agree upon a plan of management or of control, or of planning, then the limitations of permissive use should be made more elastic in the interest of working out what is good for the community. Planning means that the cumulative effect of the actions of many people can be so directed that the individual may benefit from the general benefit which is created by the community of action.

Now the proposed ordinance does not as yet go as far as I would like to see it go, or as far as I believe it will ultimately go in the direction of relaxing restrictions where good planning is offered or provided for. But the proposed ordinance is a far better and sounder foundation on which to build than is the present ordinance with its prohibitions and its yard and court requirements which have been circumvented so as to permit excessive bulk to be foisted upon this city. Are you aware of what is being planned right now for the northern part of the Grand Central station site?

When I spoke of community benefits, please do not think I was talking of either a Utopian dream or of the type of state where government undertakes to plan or to provide what the governing group considers best for those complacent people who can be persuaded to give it support. No, no. That government is best which provides a framework which helps citizens to band together to undertake tasks under democratic leadership which citizens acting alone would be unable to accomplish.

We are preparing for a step here today, and we are pursuing our democratic processes in a way that will tend to restrain exploitation and clamp on the restrictions. I am for this ordinance not because it is perfect, but because it is a step in the right direction.

William B. Brill, *Real Estate*

I am happy to be in the real estate and building business and I am offering my 20 years of experience in this line of business. I have built and managed and presently own property, both residential and commercial, in several states of the Union as well as the several boroughs of the City. As a practical businessman, as a practical realtor and as a practical builder I would like to support the Commission on this new zoning resolution.

I am convinced that this new zoning resolution is something that is necessary to the City and would be beneficial to the City. It will not hurt realtors and the builders one iota. Builders naturally deal with financial aspects of the building line. However, it is extremely important that they have an interest in civic affairs as well. I met one of these men and I said "How do you feel about the new zoning law?" I was very pleasantly surprised to find that in about 99% of the cases, these men thought that the new zoning was a good thing. It was necessary for this City and so the only reason I came up here is to tell you this because I have heard some people say that some of the real estate boards are opposed to this thing.

I want you to know that there are many builders and realtors who do not belong to real estate boards, and I know realtors belonging to the real estate boards who are just as much in favor of the new zoning as I am, in fact, the majority of these builders, whether they are on the board or not, are very definitely in favor of this new zoning law. So, I just want to conclude by saying to Mr. Felt that this is the only thing we can do.

Commissioner Felt, it is in your care, and if you stop at this point you would have done a tremendous service to this community. However, I hope and I feel sure that you, along with the other members of the Planning Commission will do a great thing for them and for this City.

GREENWICH VILLAGE ASSOCIATION, J. G. L. Molloy

Since we endorsed the zoning plan last spring, we thoroughly endorsed the present proposal but in that connection I would like to say this: We proposed certain changes last spring and I filed a memorandum and I am happy to state that in spite of what I have heard here today, that the Planning Commission considered these suggestions, discussed them with us and granted 95% of them; therefore, we are extremely grateful.

I would say that I have the privilege in representing a client here today—my clients are the people between 14th Street and Spring Street, between Broadway and the Hudson River and on behalf of my clients, let me say this: they are almost to a man in favor of the zoning resolution. The people, perhaps they are considered little people, but they are wholeheartedly behind me, and I would just like to take another minute to go into the subject on the statement that has been made about the rush you are presently engaged in. In this morning's publication, you are accused by the past President of the Architects Council of New York of using "steamroller tactics"; setting up these hearings, rushing them through and rushing through the resolution.

When we consider the length of time that this has been before us, the time that you have given us here in this public hearing, in your offices, all I can do is to quote a famous statement of a famous, former Mayor: "Patience and fortitude," you have certainly shown patience and fortitude.

MUNICIPAL ART SOCIETY, Geoffrey Platt

The primary interest of the Municipal Art Society is the appearance of the City of New York. This interest is not limited to individual works of art or buildings, but includes the visual impact of neighborhoods, parks, open places, streets, and avenues. Preserving distinguished old buildings and places of historic importance is only half the picture; we are equally interested in recognizing the best of the new and encouraging still better to come. In other words, our special concern is everything that has made, is making, and will make New York a unique and magnificent city.

We have limited our study of the proposed new Zoning Resolution to those sections which affect our primary interest. The Municipal Art Society gives its enthusiastic endorsement to the proposed Resolution because we feel that through it the following four important objectives can be accomplished:

The first of these objectives is to permit flexibility of design. The present zoning resolution has tended to force stereotyped designs. When architects have been able to design well within the permitted envelope, buildings of interest and distinction have been produced. The many alternatives permitted by the proposed resolution will be very stimulating to the imagination.

The second objective is to encourage extension of open ground space. The proposed requirements for open space in residential districts and the proposed bonus system to encourage plazas and arcades at street levels will do much to increase amenities for owner, users, and the general public.

The third objective is to stimulate development of harmonious neighborhoods. The proposed mapping of various areas recognizes the character of existing neighborhoods and will lead to their harmonious development rather than their present disintegration. Confining the high-density residential structures to the wide avenues, keeping them off the sixty-foot side streets, will contribute to this.

The fourth objective is to preserve the character of many pleasant existing residential areas and sections of historic significance. The reduction of permitted bulk in such sections as Greenwich Village and Brooklyn Heights will tend to preserve their unique and historic character.

We urgently recommend the adoption of the proposed Resolution.

UNITED NEIGHBORHOOD HOUSES, Helen M. Harris

This comprehensive amendment to New York City's Zoning Resolution may well be New York City's last chance to be saved from itself. Unless this sound zoning plan is adopted now, providing for a reasoned pattern of growth, we may in the not too distant future find ourselves a city of ghettos: both racial and minority ghettos and income ghettos; a city marked by extremes of luxury and poverty, with the people living in each extreme sharing only a sense of rootlessness.

Especially during the last five years we have experienced a speeding up of razing and re-building—the razing being restricted to low and moderate rental dwellings, the re-building being featured by high-rising so-called luxury skyscraper apartments at one extreme and public low-rent housing at the other. The small amount of middle-income housing built recently has been almost entirely in large-scale cooperatives, available only to families who have money to invest, and these, too, have displaced low-income families without providing additional housing to meet their needs.

This planless growth, or change, has been leading us toward the destruction of normal neighborhood life, with communities of “eggcrate” dwellings replacing communities of people; with well-off families congested into “efficiency” apartments and families at the other end congested into SRO (single-room-occupancy) flats. This zoning amendment will give neighborhoods a new chance.

Therefore, we urge the approval of the proposed Zoning Resolution in the form in which it was published by the City Planning Commission in December. Representing as we do a federation of social service agencies of about 50 settlement houses and neighborhood centers in crowded low-income neighborhoods in Manhattan, Brooklyn, Queens and the Bronx, we are vitally interested in this measure which will promote appropriate city planning and minimize the overcrowding that is a root cause of the concentration of social maladjustments with which we must deal.

Blight and obsolescence of residential structures are to a significant extent attributable to density—the overcrowding of living space. This has plagued the City for generations. The provisions in the proposed Zoning Resolution would minimize density not only in new structures but in conversions, with which we are particularly concerned. In addition we applaud the provisions of the proposed Zoning Resolution which will

promote open breathing space and recreation areas in the block where people live, so children will not be forced to cross broad avenues to reach recreation areas.

This proposed Zoning Resolution is an attempt to use zoning as an instrument for city planning, for the orderly development of the City and the rational provision of city services. It is estimated that the Zoning Resolution now in effect would permit a city of 55 million residents and 250 million daily workers. With such lack of control of land use, obviously there can be no provision for schools and other municipal services on a logical basis.

The fact, too, that there have been some 2,500 amendments to the present Zoning Resolution in an attempt to keep it abreast of the City's zoning needs evidences its inadequacy. Continued piecemeal amendment cannot take the place of a comprehensive and integrated zoning law.

Under the present zoning law dwellings can co-exist in the same area as manufacturing establishments. Under it are a good many so-called unrestricted districts in which there may be a jumble of different kinds of constructions. The elimination of these unrestricted areas as provided in the proposed amendment is in itself a great advantage. Homes and multiple dwellings side by side with manufacturing and other commercial uses with their noise, odors, vibrations, etc., can result only in blighted or slum areas. Furthermore the application of the proposed performance standards for manufacturing uses will reduce nuisances in residential areas.

During the 40 years since the enactment of the original zoning ordinance, a great deal has been learned about effective land-use planning. The proposed new Zoning Resolution embodies these sound principles. We hope for its prompt enactment.

CARSON & LUNDIN ARCHITECTS

425 Park Avenue, New York 22

March 11, 1960

I am writing to advise you that our office is in favor of the proposed Zoning Resolution, which you are fighting so hard to have adopted.

We feel that the measures called for in this resolution are important if we are to save much of what New York means to the world. The proposed Resolution provides for a healthy future growth of our city along lines that will permit a more beautiful and logical development, as well as protocol investments in buildings already constructed. We fear that if present Zoning Regulations are allowed to continue, this city will lose that character for which it has been noted.

Yours truly,
Earl H. Lundin

I. M. PEI & ASSOCIATES, ARCHITECTS

385 Madison Avenue

New York 17, New York

March 14, 1960

This office has just completed a study of the Proposed Comprehensive Amendment of the Zoning Resolution of the City of New York.

We wish to express our appreciation for this excellent study made by the City Planning Commission and its consultants. We firmly believe that its enactment in principle is essential to the future orderly development of our city.

Very truly yours,
I. M. Pei

MANHATTAN BOROUGH PRESIDENT'S PLANNING BOARD,

Peter Caniveri

My name is Peter A. Caniveri and I am Chairman of the Borough of Manhattan President's Planning Board and I have a short announcement to make.

First of all, I would like to congratulate Commissioner Felt and the Members of the Planning Board for a very fine proposal that has been made for re-zoning New York City. Of course, it is unreasonable to expect any re-zoning proposal to be perfect and it is also unreasonable to expect that we would have wholehearted support of this resolution. I would like to announce that the Borough President's Planning Board is overwhelmingly in favor of the proposal.

Simon Breines, *Architect*

I am a partner in the firm of Pomerance and Breines, architects practicing in New York for the past 25 years. I believe I have some special qualifications to speak on the proposed zoning.

To begin with, my office has made a point of applying the new zoning to actual building projects on our drafting boards during the last year. We encountered some technical difficulties at first but, as we gained experience with the new rules, we found them relatively simple and sensible to use. With the many revisions which the Planning Commission has already made as a result of suggestions from us and other architects, I have no hesitation in stating that the new zoning is a practical, professional tool.

When the consultants' report was issued a year ago, I was named chairman of a special zoning sub-committee of the Civic Design Com-

mittee of the New York Chapter of the American Institute of Architects. Members of this zoning committee met several times a week over a period of six months to analyze the new zoning and to make recommendations. A grant from the Arnold W. Brunner Fund made it possible to illustrate, print and distribute 1,000 copies of our report to the A.I.A. membership and to others.

When the Planning Commission's own draft appeared last winter, I was pleased to note that several of the A.I.A.'s most important suggestions had been incorporated in the zoning proposal. This was a direct result of conferences our committee had with Mr. Felt and his staff and their apparent readiness to listen to requests for reasonable revisions.

Last winter I became the representative of the New York Chapter of the A.I.A. to the Zoning Committee of the Architects' Council which undertook to study the new proposal. I had, therefore, a second opportunity to make a detailed examination of the proposed zoning. And it was through this rigorous process that I not only became convinced of the essential soundness of the new zoning, but I began to understand the nature of some of the opposition to it.

I can perhaps best illustrate this with a true story. I was arguing for the new zoning with an eminent colleague who was strongly opposing it. "What's good about it?" he asked. "Well," I replied, "take the concept of the bonus of extra floor area granted a builder who leaves more than the minimum required open space at the ground level. This should be an incentive to achieve plazas, arcades and landscaped courts open to the public as in the Seagram Building or Lever House."

"The plaza bonus is merely a gimmick," he retorted. "I've made a special study of this. It doesn't really help the owner, it complicates the building and is a nuisance to the architect. Why," he continued, "the only possible person who could benefit from the plaza bonus is the man in the street."

Of course, the notion that the new zoning, or for that matter any other public legislation, is precisely for the man in the street just didn't occur to my friend.

I learned one other thing about some of the zoning opponents. During my year's work on the zoning studies, I encountered several objectors who drew up lists of items to which they took strenuous exception.

When I called the attention of one of these people to the fact that the Planning Commission had, in its own draft, corrected the very faults he complained of, he said, "Why, this Planning Commission will do anything to get its law passed."

I can only conclude from an incident of that sort that some people

just won't take "yes" for an answer. I can only guess, frankly, why that is the case.

As an architect, finally, who has spent a year studying and applying the proposed zoning, I urge that it be enacted without delay.

But, in ending, I must confess that the reason I'm so strongly in favor of the zoning is not alone to get the zoning passed, but to see the Planning Commission get on with the job which the Charter has laid out for it; and that is, finally, and I hope shortly, to get on with the job of planning the City as a guide for its future growth.

Zoning, as we all know or should know, is only the tool in that process.

Hon. Stanley Isaacs, *Councilman from Manhattan*

I am here speaking only as an individual at this time and not in any official capacity. I understand that the views of United Neighborhood Houses, of which I am President, were presented yesterday by Helen Harris. I cannot speak as Minority Leader of the City Council because the Council itself has no direct powers over the question of zoning, so that I am speaking as an individual and feel justified in doing so because of long familiarity with the problem.

I was active in connection with the zoning law of 1916, when it was first adopted, representing a group of investing builders who scrutinized it carefully and then decided strongly that it was a very sound step in the right direction. They asked for certain modifications which were granted, and I want to emphasize that zoning law of 1916 was not only the first adopted throughout the country, but was modified to some extent as less drastic than the very proposers intended because they knew what tremendous resistance they would face in passing such a novel resolution. I had been practicing law then, mainly in the real estate field since 1905 and I came in contact with real estate problems. Later on I was involved in partnership with an investing builder and, still later, I was active in the Men's City Club and spent a great deal of time on the problem of

zoning and on the problem of creating this very City Planning Commission that exists here.

Some of you remember well, I am sure, Mr. Robert D. Cohen, who was Chairman of the Committee on which I worked—one of the ablest architects that the City or State has ever produced. And we dealt with the problem of bulk zoning, which was novel then—thought of for the first time at that time—and issued reports, because we felt that some sort of zoning of that kind was essential to provide elasticity to the zoning law.

And I come here today to say that I think it is essential that this new proposed modification of the zoning law be adopted if the City is to be safe from literal strangulation. It's fine for an owner of property to say, "I want to do what I want with my own piece of property," but an owner has no right and should not have the right to do what he wants if it harms the whole community or if it harms his city. And overcrowding of a given plot may very often prove disastrous to all other plots on the same block. And, overcrowding of a given area can prove disastrous even to the very people who accomplish it and think they are accomplishing something worthwhile. I can point to the garment center, for example, as the most notorious example of stupid handling by private ownership of a great problem in a great area—where they built so intensively that they have choked themselves, literally, in that area and rendered it undesirable for the very projects they were aiming to accomplish. It is that sort of thing that your new zoning would certainly and definitely prevent.

We have to provide in this City, and expand, the amenities for decent living. And that means less overcrowding, obviously so. That means more light and air for anyone who works here or lives here, obviously so. That means ample room to move around on foot or in buses or in taxis or in cars. And it means that we have to work out new plans, new programs with radical changes, as I say, if we want to preserve the City from strangulation.

Now, I'm not going into any details because I don't have to, nor do I want to speak at length, but I want to say that I have studied this proposed code of yours with care and diligence and at full length, and I think that it has great virtues—above all, the virtue of elasticity, so that every owner can plan his own development in the best possible way and, at the same time, not the best possible way for himself only but also for the entire community.

And, above all, I think the most sound proposal—and I believe it originates with this Commission and is thoroughly sound—is the fact that you give a benefit, a definite contribution to owners who are willing to

set back their property, who are willing to provide light and air to adjoining property. That idea in itself is of tremendous value.

I wanted to make sure that you had not gone too far in the restrictive provisions of this zoning and there were two areas that I thought worth studying and worth making sure of. One is whether the best apartments which have been erected in recent years in the Borough of Manhattan could be reproduced without substantial change today under your zoning regulations, your proposed zoning regulations. And the other is that great enterprise known as Rockefeller Center, which seems to me from a planning point of view the outstanding area of The City of New York, planned I don't know how many years ago—twenty or twenty-five years ago, I'm sure—planned so that it stands up today as an outstanding example of what sound architecture, sound planning, sound judgment can produce.

I have been assured by the careful checking of your own consultants, Voorhees Walker Smith and Smith, that Manhattan House, for example, built at 66th Street and Third Avenue—now that you've extended the area of top construction east of Third Avenue—could be reproduced today almost without even minor changes under your proposed zoning resolution. And there is an apartment house that provides magnificent opportunities for those who live there but, above all, has taken advantage of its plot so as to provide light and air to everybody around it, and that can stand today. That seems to me the kind of apartment house that you want to encourage.

I've also been assured that Rockefeller Center could be reproduced today despite the enormous height of some of its buildings because of the compensating bulk, the low area, and the smaller bulk of some of the other buildings around it provided the streets running through that area, which are private streets provided by Rockefeller Center development itself, can be treated as open air parts of the development. And, of course, it can because those are private streets designed so as to give light and air to those buildings and offered and presented when Rockefeller Center was first planned.

I think if you do as you are doing, pass this law, it will stimulate that kind of intelligent development. It will stimulate that kind of unselfish planning, which in the long run benefits the owner far more than gross overcrowding of a given plot and also benefits the entire community. And I hope—without more than minor changes in detail, that this program of yours will be unanimously supported not only by the Planning Commission but by the Board of Estimate as well, and recognized by the people of this City as a tremendous contribution to the welfare of all of us.

UNITED CIVIC COUNCIL OF QUEENS COUNTY

58-34 192nd Street

Flushing 65, New York

March 15, 1960

I have attended the Zoning Hearings all day, and found that I was unable to remain any longer. In addition I felt that my organization would never be reached this day. Therefore I am taking the opportunity of writing you in relation to the new Zoning proposals.

I am the President of the United Civic Council which represents 30 Civic Councils, the President of my own organization, the Harding Heights Civic Organization, and the Co-Chairman of the Federation of the Queens Civic Councils. At this writing I want to go on record supporting the proposed Zoning Resolutions.

The members of the various groups that I represent and myself sincerely hope you will give this letter the consideration which we deem necessary, and trust to your thoughtfulness and wisdom in planning for the great borough of Queens.

Very truly yours,
Julia E. Jerry
President

AMALGAMATED CLOTHING WORKERS OF NEW YORK CITY, Jacob Potofsky

Mr. Chairman and members of the City Planning Commission, my name is Jacob Potofsky and I reside at 19 East 88th Street, New York City. I am President of the Amalgamated Clothing Workers of America. I am here as a representative of labor and as a member of the Committee for Modern Zoning. I am here to urge prompt adoption of the proposed zoning resolution. As union members and citizens of New York City—we have 85,000 members and their families living here—we have a vital stake in any step which will make this City a better place in which to live and to work.

I do not intend to pose as an expert in zoning. I am not. I do know, however, that the zoning ordinance currently in effect is more than 40 years old and has been bruised and mauled by thousands of amendments. It was conceived in the days of the trolley car and horse drawn buggy. At that time it was a forward, progressive and outstanding step. However, it has outlived its usefulness and today this great city cannot longer rest on its laurels of the past. We must adopt an up-to-date modern zoning resolution that is geared to the realities of the jet age and we must put it into effect without delay.

Modern zoning is necessary for the strengthening of the industrial, commercial and economic life of our City and to provide attractive, wholesome working and living conditions. My union, the Amalgamated Clothing Workers of America and the industries and workers it represents have long been a pioneer in this City in cooperative housing and we have also pioneered in labor-management relationship. We know from bitter experience that there is no gain in trying to retain obsolete and archaic methods and procedures. New techniques properly applied are the best protection for maintaining and raising the high standard of living to which all of us aspire.

The resolution before us, so painstakingly framed by this Commission, will take us out of the past and place us in the future where we belong. It is designed to provide more open space, light and air for the City. Of great concern to those of us in organized labor and to our business and industrial management, is that the resolution provides for and conserves industrial sites in good locations because we know that in the

needle trades there has been considerable migration from this City to other areas.

We believe it will contribute to a reduction of noise, smoke, dirt and other industrial hazards which jeopardize the health and safety of our population. We believe it will provide ample space for parking facilities for commercial and residential purposes. The resolution will curtail the explosive rate of over-crowding and congestion. It will encourage the development of new parks and recreation areas while preserving those we already have.

These are some of the things that New Yorkers want. We are here not solely as union representatives or union members but as ordinary citizens seeking a better life for ourselves and our children in this community.

I have watched the activities of the City Planning Commission for a number of years and I wish to congratulate its Chairman and the Commission upon their vision and the planning they have done to bring New York up to date in the matter of zoning.

We urge this Commission to continue its efforts on behalf of New York City to insure without any delay the adoption of the proposed resolution on zoning.

MAR 15 1960

THE YOUNG REPUBLICAN CLUB OF RICHMOND
COUNTY URGES YOU TO STAND FAST AGAINST THE
VESTED INTERESTS WHO WOULD RUIN STATEN ISLAND.
YOUR ZONING PROPOSALS REPRESENT THE FIRST AND
ONLY STEP FORWARD EVER TAKEN IN THE NAME OF
PROGRESS IN THIS BOROUGH.

GREGORY DIGAN, PRESIDENT

BROWNSVILLE NEIGHBORHOOD HEALTH AND WELFARE COUNCIL

259 Bristol Street

Brooklyn 12, N. Y.

March 19, 1960

The Brownsville Neighborhood Health and Welfare Council supports the New Proposed Zoning Resolution and urges early approval of a modern, logical, dynamic plan that will replace the confused, outmoded, restrictive, uncontrolled and unrealistic Resolution of 1916.

It is our belief that the health and welfare of all our communities would be vastly improved by such a meaningful Resolution. We are directly concerned about the serious overcrowding of many of our residential areas and look forward hopefully to the new Resolution as a remedy for these alarming conditions. We believe that the New Resolution will help stabilize community life in most of our city. It should measurably improve the serious bottlenecks in traffic and parking and reduce many serious safety hazards. We believe that it will control deterioration and reduce blight and slums. We further believe that instead of deterring industry, it will encourage new industrial development and redevelopment of existing areas.

The new zoning should be elastic and have rapid adjustment possibilities in order to provide initiative and encouragement for our architects and real estate people.

We will appreciate your having this statement read at the hearing on Monday. With kindest regards, I am,

Very truly yours.
Irving Tabb
President

Walter H. Kilham, Jr., *Architect*

As a former Chairman of the New York Chapter of the American Institute of Architects, who has come before this Commission in behalf of earlier reports, I appreciate this opportunity to appear again, although this time as a private architect.

When I first came to New York in 1928 as a student making a special study of the Zoning Law, I further had the opportunity, in the office of the late Raymond Hood, of learning something of its practical application.

The point I wish to make today, is perhaps best illustrated by a little story. As you know, one of the major features of the 1916 Zoning Law is the limiting of bulk by a rigid envelope. In those days, (as it is often the case today) the most that was expected of the architect was to squeeze every inch of space out of that envelope, regardless of what kind of building resulted. The opportunity came to Mr. Hood's office to design a new building. The building Committee for the owner was composed largely of real estate men, with much the same points of view as they have today. Mr. Hood, however, was determined to design something better than the maximum envelope of the law might indicate.

The property ran through the block from street to street. With windows at either end and a blank wall on the lot line it was obviously "loft" space worth in those days a dollar or a dollar and a half a square foot.

Mr. Hood said "Suppose we don't try to get all the space we can, suppose we give up enough along the lot line to have a shallower space but with windows the full length—what kind of space would that be?"

It was, of course, office space, worth twice as much a square foot in rental. In other words, by building half as much space the owner would get the same return in rentals but save the cost of all the unnecessary cubage. The idea of not trying to squeeze every inch out of a site is a difficult one for the average owner or real estate man to accept, nevertheless it did prevail in a few of our buildings and, I think, the outstanding ones such as the Daily News or Rockefeller Center. In recent years the Lever Bros. and Seagram Buildings illustrate the principle, going even further in released ground space.

The point I wish to make is that it has long been recognized that

there are better ways to limit bulk and better ways to design useful buildings than by crowding a set-back envelope. The proposed resolution, in its Floor Area Ratio principle, recognizes this. A principle for designing better buildings that was once a chance to be taken by the few now becomes a challenge and an opportunity for all.

From the real estate point of view, the new proposed resolution will result in far more efficient buildings, for the purpose, giving a greater return on the investment and creating demands for new space.

From the point of view of the public, it will give better layouts in which to work and live, and at the same time, overcoming the monotony of the dull pyramids that line our streets.

From long years of observing the point of view of building committees, I can only say it is human nature for most people to be against anything new because there is security in the fact of what exists compared to the hypothetical future of the new. Therefore, I would recommend that all statements in favor of the new resolution be weighted at least ten times as compared with those they are opposed.

It stands to reason that in all these years since 1916, The City of New York has learned something about zoning which should be put into application. It is the new law that will be more realistic—not the old.

Secondly, the conditions of life in this city have vastly changed. If we do not pass the new law adapted to these conditions, it means this city lacks the imagination and the courage to meet the challenge of our times. There is no standing still. The proposed law is not only adapted to meet the new conditions for the proper growth of this city, but it also offers the opportunity for architects and owners alike to build better and more interesting buildings for the benefit of themselves and the public as well.

As a private architect, I give my wholehearted endorsement to the new resolution, and ask that my humble opinion be so weighted. Thank you, gentlemen.

REGIONAL PLAN ASSOCIATION, Douglas S. Powell

Introduction

New York City has reached a critical turning point in its development. The City has arrived at this point after a long history of rapid growth that has culminated in its existing pattern of vivid physical and economic contrasts.

On one hand New York is a City of incredible building congestion with miles of land so crowded with housing and other buildings that millions of City residents are denied decent standards of light and open space. In contrast New York is also a City having residential neighborhoods whose qualities of beauty and openness rival those of some of the most restrictive suburban communities.

In its economic development, New York City is the seat of many of the nation's biggest and wealthiest manufacturing companies, banks and other financial and commercial institutions. Yet in contrast the City is increasingly becoming the home of the poor as large groups of middle and upper income families flee the indignities of slum ridden City living.

New York is also a City built in a mold suited to mass railroad, subway and bus transportation. But it finds itself struggling to adapt to an age of private automobile transportation.

These contrasts have been a part of New York's pattern for decades. But at today's turning point, they assume added significance, for the City is no longer growing. Its population has reached a static level while growth surges upward in the surrounding suburbs. The element of raw growth which had traditionally buoyed New York forward has now disappeared.

With the completion of the three-year Metropolitan Region Study, sponsored by our Regional Plan Association and conducted for us by the Harvard University School of Public Administration, the City has been warned that powerful economic forces are at work in the New York area tending to create further deterioration in large parts of the City. These trends portend an ominous future for the City unless a sharp turn is taken in the City's development policies.

It is clear beyond any doubt that without the buoyant benefits of natural growth, the City itself must pursue policies that will improve the

quality of living and working conditions within its borders. The proposed rezoning constitutes a vital opportunity for the City to adopt new policies for land development control that can help turn back the adverse economic pressures acting against the City and help restore the City's formerly strong position as the once most attractive living and working place in the region.

The New Zoning Resolution Is a Symbol of Hope for a Better Tomorrow for the Slum Family

At the outset, the Association wishes to emphasize that the question at hand is essentially a human issue. For while in one sense we are examining and discussing a complex legal document, in another sense we are talking about a plan to bring an improved standard of living to every family living or working in the City. The people of this City are becoming increasingly alert to this important fact.

The family that endures the indignity of slum living today but hopes for a better opportunity tomorrow may not appear at these hearings, but its interest is at stake. An improved zoning resolution will help prevent a repetition of the degrading slum conditions it must endure day after day, month after month. The present zoning resolution does not offer sufficient hope for a better future.

The New Resolution is Needed if Urban Renewal is to Succeed

The new zoning resolution must be enacted if the City's forthcoming renewal efforts are to be successful.

With an estimated half of its housing more than forty years old, and with over one-half of the metropolitan area's residential slum units within its borders, New York City must turn quickly to a program of widespread urban rebuilding. It cannot avoid this choice. The goals of such a rebuilding will be, *first*, to improve or replace much of the City's increasingly outmoded supply of housing and, *second*, gradually to redistribute this housing into neighborhoods that effectively separate homes from the interferences of business and industry. *Third*, the rebuilt neighborhoods will have to be shaped to patterns that reflect today's standards of openness and design.

In considering whether to adopt or not to adopt the new zoning resolution the City must face the strong possibility that these goals of rebuilding cannot be advanced effectively under the City's current zoning ordinance. In fact the present ordinance is so constructed that it sets the stage for the wasting of millions of dollars and years of renewal effort

now under way or proposed for the future. This will be true because the current ordinance not only permits but encourages jumbled mixtures of industry, business and housing in areas of the City that will need renewal action in the coming years.

The New Zoning Resolution is Needed if the City is to Improve Its Economic Position

The City also must have an essentially new zoning resolution, if it is to hope to improve its economic position in relation to the suburbs. The current antiquated zoning resolution is inadequate in helping to attract new industries into the City or for that matter in keeping existing industries within the City's borders. By permitting residential and other uses to occupy industrially zoned lands, needed areas for industrial expansion are preempted and the City's tax base suffers.

The amendment is designed specifically to correct this deficiency by giving a high priority to proper locations for industrial areas—locations that take maximum advantage of key waterfronts, and railroad and expressway routes. The new ordinance also excludes residential and other uses that are incompatible to industrial growth and expansion.

Transportation

The City must have a new zoning resolution if it is to cope effectively with its transportation problem. As is the case with urban renewal the City's current zoning resolution increasingly will conflict with the City's efforts to adjust its physical and economic patterns to the automobile age. In contrast to virtually every modern city zoning ordinance, the current resolution has only the sketchiest requirements for off-street parking facilities accompanying residential, commercial, industrial, recreational and other uses. At a time when automobile ownership and use is increasing in New York City and at a time when significant areas of the City are being rebuilt—this deficiency is of major importance.

By requiring off-street parking facilities for major uses in all but the most congested commercial districts, the comprehensive amendment makes it possible for the City, through zoning, to adjust to the automobile age.

Old Zoning Resolution is a Regional Liability

Suburban dwellers, no less than the City's own residents, have a stake in how the City's officials will act in the zoning issue. For the ques-

tion of adopting or not adopting what amounts to a new zoning ordinance has a profound regional implication that will affect millions of suburban families.

If the City fails to replace the old ordinance, in effect it will have announced to the suburbs that it is willing to accept a continuing jumble of uses, excessively high residential densities and the myriad of other factors permitted by the old ordinance that past experience has shown helps to create slums. Through its inaction, New York will have told the suburbs that they may expect a further exodus from the City to their towns and villages of people and businesses seeking to escape the indignities of urban decay.

Unless New York City, through rezoning and redevelopment, can turn the tide of its population and business exodus, the pressures on suburban growth and transportation will become increasingly explosive. Furthermore an upgraded central city is essential to the long term prosperity of the entire region.

The Proposed Comprehensive Amendment Constitutes a *Modern Zoning Ordinance*

In comparison to the existing ordinance the new zoning resolution represents a major technical breakthrough toward effective means of land use control for New York City. It embodies advances and benefits of forty-four years of zoning experience in the United States since the passage of the original city zoning ordinance in 1916. It builds and improves upon the most recently adopted zoning ordinances of Chicago, Los Angeles, Washington, Denver, and other major cities in the country. For the City to continue to hitch its future to the dinosaur that is the old ordinance would be contrary to logic and experience. It would be a clear demonstration that among this nation's cities, New York has lost its drive for civic and technical leadership.

The following paragraphs are point by point analyses of some of the major technical features of the new ordinance which we endorse:

A) Maps and Districting

1. Single Map System

In common with recent zoning ordinances for cities large and small all over the United States, the amendment proposes a single set of maps to cover use and bulk. This is a most necessary advance. Based upon the accompanying maps, as now proposed and shown,

the Regional Plan Association believes that the new amendment more than meets the essential needs of a city the size of New York and that in terms of these maps the text is appropriate.

2. Residential Areas in Manhattan

Four high density to very high density residential districts are provided for the central business area of Manhattan and its environs. These are the proposed R-7, R-8, R-9 and R-10 districts. Through the provision of these zones, the new ordinance allots far greater amounts of land in Manhattan below 125th Street exclusively to residential use than does the present ordinance. Similarly the density and bulk provisions of the new zones more nearly conform to the existing densities than do the provisions of the current ordinance. Thus permitted building bulk is dropped down to conform more closely to existing conditions.

3. Residential Areas Beyond the Central Business Area

In the areas of the City beyond the Central Business District (CBD) and its immediate environs, the new ordinance provides seven different residential districts from two low density single family zones (the R-1 and R-2 zones) up to the medium high density R-7 zone. In a few very limited areas of the Bronx and Brooklyn small areas are also given over to the high density R-8 zone.

4. Distribution of Residential Areas

The distribution of the residential zones is generally related to two factors—public transportation and distance from the Central Business District. In general the higher density residential zones are grouped along the subway lines that radiate out from Manhattan. Areas beyond easy access to the subway lines are generally zoned at lower densities. Generally portions of the Bronx, Queens and Richmond especially and to some degree the portions of Brooklyn, that are furthest from Manhattan are zoned at the lowest densities.

The proposed new zones and the bulk and density controls that distinguish them are closely related to the existing uses and densities that characterize the areas for which the zones are mapped. This is in marked contrast to the use and densities and building bulks now permitted by the existing ordinance. The general effects of the new zoning controls for residential areas is to drop the permitted building envelope to a point that conforms relatively closely to the existing building bulks and densities.

However, bulk permitted is still sufficiently high above the mass of existing residential uses to permit a large amount of rebuilding and conversion at slightly higher densities than exist today.

But—and this is of key importance—the institution of carefully drawn techniques of population-density, open-space, building-bulk, and off-street parking controls will make it very difficult if not impossible for the runaway conversion of existing structures into many very small one room apartments as occurred on the west side of Manhattan in the Riverside Drive areas. This fact should be stressed for it is these kinds of land use control that are vitally needed in the many areas of Brooklyn, the Bronx and Queens that are destined for further deterioration into “gray belts” in the manner described by the reports of the Metropolitan Region Study mentioned above. For during the initial stages of deterioration such “gray belts” are subjected to heavy pressures toward higher densities through conversions, overcrowding, etc. The new density open space and off-street parking controls form an effective brake on such tendencies.

Room to Grow

The proposed comprehensive amendment provides for population capacity that is approximately 50 percent above the City's current population. This is a capacity for growth in the next fifteen years that is far above *any* current estimates for the City's future growth.

B) Text

1. Tabular Form

By presenting a maximum of the text in tabular form the City has adopted a major means of shortening the resolution and making it easier to use.

2. Use Group Concept

The employment of *use groups*, provides a workable way of arriving at the necessarily large number of use districts demanded by the complexity of the City. It enables a variety of districts corresponding with the unique character of the many different sections of the City. It also aids materially in properly applying requirements for parking, loading berths, etc.

3. Floor Area Ratio Concept

The *floor area ratio* is the best device for controlling the density of population and the distribution of economic activities as well.

It affords a simple means for measuring directly the major determinant of density: the amount of floor space. Moreover, this means of measurement as contrasted with former limitations on over-all bulk, imposes no arbitrary pressures toward inadequate ceiling heights.

4. Separation of Uses

In addition to those matters relating to the structure of the proposed resolution, the substantive proposals are worthy of full support. The amendment will greatly benefit both business and residents by providing a sharper differentiation from one area of the City to another. It will provide adequate zoning protection for the first time for substantial numbers of families, particularly in Manhattan and Brooklyn, where large areas of homes heretofore have been placed in commercial districts.

5. Large Scale Residential Developments

Since the future of large areas of the City beyond the central business district is likely to be one of deterioration and later rebuilding or rehabilitation, further important provisions of the new zoning ordinance should be noted. They are the provisions relating to large scale residential developments.

Since increasing numbers of such large scale developments as Queensview, Kingsview, etc., are likely to be built over the long-range future (if not in the immediate future) the ordinance spells out in detail the permitted physical relationships between and among buildings in such projects. The ordinance also permits and spells out the ways shopping areas, churches, schools, playgrounds, and other community social uses can be mixed into the residential area. The controls over large scale residential projects are "self-administering" and are spelled out in such detail that the present cumbersome procedures of section 21-c that require Planning Commission and Board of Estimate approvals are rendered unnecessary.

These and other land use control techniques included in the amended resolution make it an effective tool for shaping the future of the City.

Conclusion

The Regional Plan Association concludes that the proposed comprehensive amendment to the zoning resolution is urgently needed for

New York City if the City is to be successful in its efforts for improvement in the coming twenty-five or more years. Without this improved method of land use control the City will be hampered and will be unable to achieve its goal for a better future for not only its own citizens but the citizens of the Region.

BROOKLYN HEIGHTS ASSOCIATION, Edward S. Reid

I am appearing on behalf of the Brooklyn Heights Association, a civic organization in Brooklyn Heights. The Association is now fifty years old and we have over 1000 members who are interested enough in civic affairs to pay dues of \$5 a year. The Association has appeared twice before in connection with the proposed zoning resolution and we submitted two written statements; each time we gave our wholehearted support to the general principles of the resolution. We made several suggestions for changes—some of them appear to be reflected in the current draft and others do not.

I am appearing here this morning to restate our support for the present draft of the resolution. As a residential community we are particularly interested in the residential bulk regulations. We have studied those in the present draft and again we give them our wholehearted support. We believe that the proposed controls will tend to prevent overcrowding, will increase the amount of light and air and will generally tend to promote more stable and, particularly, more livable residential neighborhoods.

We also believe they are flexible enough to encourage desirable variety in types of construction.

Therefore, we urge wholeheartedly that this resolution be adopted as soon as possible.

BRONX WOMEN'S BAR ASSOCIATION, Rose Schneph

I am Chairman of the Zoning Committee of the Bronx Women's Bar Association. My Committee has made a thorough study of the proposed zoning amendment and I have been authorized to be here today and state that our Association is enthusiastically in favor of the adoption of the proposed zoning amendment. We are particularly impressed with the regulations limiting density of populations, with the new regulations with respect to non-conforming uses, with the regulations which will exclude residences from manufacturing districts, and the fact that instead of having three maps we will now, under the new proposed amendment, have only one zoning map.

I could go into a great many details but this body has heard a great many arguments in favor of the amendment and I don't want to be repetitious. I have also been impressed with the fact and I would like to say it publicly, in answer to some of the arguments used by the opposition, that they forget that the proposed zoning amendment is not a rigid document; that if there are any flaws in it, certainly, by amendments in the future these matters can easily be straightened out.

And so, again, I would like to urge this body to favorably pass on the proposed zoning amendment.

MANHATTAN 5th ASSEMBLY DISTRICT NORTH

DEMOCRATIC CLUB, Irving Wolfson

I represent a community that is an apt example of what happens to an area when proper controls to prevent deterioration and blight are not present.

The West Side of Manhattan is already well known to this Commission. The radical surgery of urban renewal and redevelopment are the

only possibility now, after years of neglect, antiquated laws, and inadequate enforcement. Perhaps, the West Side is a warning to the rest of the City of what can happen when the desires of slum landlords are allowed to determine neighborhood change, rather than good planning principles. This is a prime reason why we, of the F.D.R.-Woodrow Wilson Democrats, so strongly support this proposed ordinance. We feel that the new standards of light and air and open space, of reduction in density, are absolutely essential to prevent continued deterioration of our once fine community.

The City is now engaged in a vast program of rebuilding the West Side. We want to make sure that these tremendous expenditures will not be for nought. We want to make sure that the incredibly overcrowded tenements will not be allowed to proliferate in other parts of the community and that the rebuilding itself is not merely a reconstituting of slums of the future. Those who are interested in land and building speculation say that the proposed zoning ordinance would make grass grow in the streets. Frankly, we wish that grass would grow on some of the streets of our community—grass and open space for children to play on, rather than overcrowded and overbuilt tenements. The only way we can open up the mile on mile of densely built up areas of our City is by the application of such devices as the Open Space Ratio. The only way we can prevent overcrowding of our schools and playgrounds is by limiting density through such devices as minimum lot area per dwelling unit.

This is the City of the future that organizations such as ours are fighting for. We know that this cannot happen overnight. Undoing the mistakes of the past is an expensive and long-range procedure but without decent standards to insure proper development, we fear that the job will not be well done. That is why we regard the proposed zoning as a Magna Charta heralding new freedom from blight that should be the right of every citizen in every community in New York.

We urge that you be not timid in your espousal of these excellent principles. You have the unqualified support of every liberal and democratic element in the City. We will stand beside you in fighting for a better New York. We regard the proposed rezoning as the first step in that fight.

NEW YORK CHAMBER OF COMMERCE

65 Liberty St., New York 5, N. Y.

March 14, 1960

Mr. Samuel R. Walker, Chairman of the Committee on Civic Affairs of this Chamber of Commerce, has asked that the report of the Chamber urging a modern zoning resolution for the city of New York, which was approved by the Chamber at its meeting on November 5, 1959, be made part of the record of the hearings your Commission is now conducting [See Appendix B].

The Chamber endorses generally and in principle the proposal for a new zoning resolution as contained in the report of your consultants and it urges the City to take early and affirmative action on a new zoning resolution, generally as proposed by the consultants, as it may be modified as a result of the public hearings now being conducted.

G. G. Tegnell,
Director, Research Department

MARCH 14 1960

I WOULD LIKE TO REGISTER WITH YOU AND THE
PLANNING COMMISSION MY ENTHUSIASTIC SUPPORT
FOR FAVORABLE ACTION ON THE ZONING AMEND-
MENT FOR GREENWICH VILLAGE.

ASSEMBLYMAN WILLIAM F. PASSANNANTE

MARCH 15, 1960

ALTHOUGH OUR ASSOCIATION URGES RELATIVELY
MINOR UPGRADING OF SECTIONS IN STATEN ISLAND
WE WHOLEHEARTEDLY SUPPORT THE COMMISSION
REZONING PLAN.

MRS. EDWARD J. ISLEY,
VICE CHAIRMAN OF THE THORNYCROFT
CIVIC ASSOCIATION

CITIZENS UNION, Paul Friedman

The Citizens Union has long been an advocate of substantial revision of the zoning structure of New York City. About eleven years ago, through its Zoning Sub-Committee, it analyzed the present Zoning Resolution, section by section, and published a long series of "Zoning Recommendations of the Citizens Union." About nine years ago, it analyzed the Harrison Ballard and Allen "Plan for Rezoning of the City of New York," published a "Searchlight" report on the plan and appeared at the numerous informal hearings thereon by the City Planning Commission. The Plan for Rezoning was never brought to the action stage.

More than three years ago, the City Planning Commission under the Chairmanship of James Felt, retained the architectural firm of Voorhees Walker Smith and Smith as consultants to make appropriate studies and to draft a new Zoning Resolution. The accumulated data of the Harrison Ballard and Allen plan, and of the criticisms thereof, served as a guide. Studies indicated what the Citizens Union had long urged: that the present Zoning Resolution rests on an inadequate and outdated foundation and that a new and modern Zoning Resolution is needed.

The Voorhees Walker Smith and Smith proposal was available for

study in March of 1959. The Citizens Union, through its Zoning Subcommittee, gave it careful study in keeping with its tremendous importance. We submitted a detailed Preliminary Report for consideration by the City Planning Commission as an aid in its preparation of its own version of a Proposed Resolution. Many of the recommendations contained in our Preliminary Report were incorporated in the reports of other civic and professional organizations.

On December 21st, 1959, the City Planning Commission published its own version of a Proposed Zoning Resolution and gave approximately three months' notice of public hearings to be held thereon, commencing March 14th, 1960. Again, the Citizens Union, through its Zoning Subcommittee, gave it careful study, reported favorably on it to our Committee on City Planning, which, in turn, reported favorably on it to our Executive Committee. Our Executive Committee has a resolution which will be made part of the record in a few minutes.

I should like to point out some of the things we like about the Proposed Zoning Resolution and why we have concluded that the Proposed Zoning Resolution includes many outstanding improvements over the existing Zoning Resolution, in substance and in form.

As to Substance:

1. The residential use regulations, in general, are excellently formulated. We especially favor the proposed prohibition of future residences in the General Service District (C8) and in the three Manufacturing Districts, which will keep new residences out of areas inappropriate for residential living and will preserve the existing supply of industrial land for industrial use.

2. The residential bulk resolutions, in general, appear to be excellently formulated. They control the total effect produced on a lot by the size of the building, the amount of open space surrounding it and the number of persons residing on the lot, and provide for adequate light and air. These bulk controls introduce two concepts which are novel and beneficial to the City:

(a) The first is greater freedom in the size and shape of structures, because, within the allowable floor space, the builder and his planner will have more planning alternatives than are available today.

(b) The second new concept is the use of bonuses to encourage the builder to leave open space on his lot at the street level. The incentive is in the form of several additional units of floor space

beyond the normal maximum for every unit of ground space left open. Both of these objectives are excellent and, if adopted, would help to make our streets more pleasant and our buildings more interesting.

3. We have been unable to undertake careful and extensive research to test the practical application of the bulk zoning principles set forth in the plan. We know that responsible architectural and engineering associations have done so and have reported favorably. We are of the opinion that the new concepts and ingenious devices employed in the proposal represent in general an important and constructive change from our present, less effective and out-moded method of height and area district zoning.

4. The proposed provisions relating to Large Scale Residential Developments offer many advantages over the present Zoning Resolution:

- (a) Greater flexibility in site planning.
- (b) Greater protection for adjacent areas by means of standards clearly stated in the text of the resolution.
- (c) Simplification of the site plan for presentation to the Building Department. (No imaginary lot lines need be shown, for example.)
- (d) Elimination of the requirement for Planning Commission review of site plans.
- (e) Elimination of the requirement for zoning map amendments to permit "convenience" shopping facilities.
- (f) Opportunity for the City to acquire sites for needed community facilities at reasonable cost.
- (g) The preservation of open space in any streets to be closed.

The Proposed Zoning Resolution deals skillfully with the complexity of problems created by large scale developments. It is an important step forward.

5. Sign regulations are set forth separately for Residence Districts, for Commercial Districts and for Manufacturing Districts. These regulations are reasonable and readily ascertainable. We especially approve of the regulations which treat the advertising sign, as distinguished from the business sign, as a separate land use.

6. The special height regulations applying around major airports are particularly praiseworthy. They supersede the absurd regulations of the present Zoning Resolution. They are reasonable and readily ascertainable from the Flight Obstruction Maps which are part of the Proposal. They apply greater restrictions in areas where greater restrictions are re-

quired but, in general, we believe that they will be less restrictive than the present Resolution in areas where the need for restriction is less. They bear a close relationship to aircraft performance.

7. The proposed regulations concerning non-conforming uses and non-complying buildings represent a vast improvement upon the present Zoning Resolution's treatment of the same general subject matter. They accomplish three general purposes:

(a) They prevent the expansion or further intrenchment of non-conforming uses, by regulating changes, discontinuances and enlargements of such uses;

(b) They gradually improve the performance of non-conforming industrial uses in Commercial and Manufacturing Districts; and

(c) They gradually eliminate industrial uses from Residence Districts.

The present Zoning Resolution was predicted on the now-discredited hypothesis that, in time, non-conforming uses would wither on the vine. It therefore provided only minimum controls on non-conforming uses and in many cases permitted expansion or further intrenchment of non-conformity through wide powers granted to the Board of Standards and Appeals.

We are satisfied that the Proposed Zoning Resolution will provide a sounder framework for zoning regulation of non-conforming uses and non-complying buildings, which not only will look to the future but, within reasonable limits, will rectify past errors.

As to Form:

1. The single map system, providing for 46 types of zoning districts for the entire city and replacing the present triple array of use, height and area districts in which 286 combinations are actually mapped and more than 1,000 combinations are possible, constitutes a major gain.

2. The organization of regulations by types of districts (residential, commercial and manufacturing), including the repetition of regulations when they apply to more than one major classification, eliminates confusing cross references.

3. The use of district symbols shows at a glance the use district classifications and sub-classifications, including type of use, bulk and parking regulations.

4. The Columnar Chart on the right side of each page, which is used to designate the district or districts in which a particular provision or requirement is permitted, is ingenious.

5. The tables diagrams and index of uses are aids which, although not legally a part of the resolution, are included helpfully with the text.

6. The division of the proposed Zoning Resolution into 7 articles, the proposed zoning maps and the appendix, makes it comparatively easy to find the particular regulations concerning which information is sought.

7. The numbering system of the proposed Resolution makes it easy to locate any particular part of the Proposed Resolution, to refer to appropriate regulations when necessary and to amend the Zoning Resolution by adding or deleting sections without violence to the form and continuity of the Resolution.

8. The format of the administrative regulations is excellent and will permit amendment of the provisions without distortion of the entire Article. New York City is a dynamic community; it cannot be regulated by a Zoning Resolution that is not adaptable to changing times.

For all of these reasons, the Citizens Union urges the adoption of the Proposed Zoning Resolution.

We urge such adoption promptly. We recognize that, if adoption were to be delayed until every organization and individual of good-will-toward-better-zoning were satisfied with each and every provision, no progress could ever be made.

The present Zoning Resolution is inadequate and should be replaced. Its framework does not permit the kind of comprehensive revision that is now before us. The adoption of the proposed Zoning Resolution is the only course calculated to produce a modern, comprehensive zoning plan for the City of New York in this generation. We are certain that the framework of the proposed Zoning Resolution is more adaptable to the future needs of the city than the existing Zoning Resolution. We are certain, also, that most of the proposed general principles and most of the details which implement the principles are sound.

The Board of Estimate has power to modify the Proposed Zoning Resolution and to adopt it as modified. We hope that the City Planning Commission will adopt the proposed Zoning Resolution as it stands and will forward it to the Board of Estimate together with a report recommending any modifications it may wish to recommend as a result of these hearings and other recent suggestions.

We hope that such report will include, among others, certain recommendations which we shall file in a separate memorandum. We do not insist upon it. We have faith that any recommendations not included in the Commission's Report to the Board of Estimate will be the subjects of later consideration for amendments initiated by the Commission within a reasonable time.

We disagree with those who insist that the proposal now before us

be amended, re-published and made the subject of new public hearings thereon before adoption. If such a course were followed, we are sure that voices would be raised calling for further amendment, further re-publication and new public hearings thereon. Such a course seems dedicated not so much to the perfection of a proposed Zoning Resolution as to killing it with endless amendments.

We are pleased to report that many of our recommendations for the amendment of the Voorhees Proposal were included by the City Planning Commission in its own version of the Proposed Zoning Resolution. [A list of 29 such recommendations were submitted for the record.]

The Citizens Union desires to express its appreciation and extends its congratulations to the Board of Estimate for having made funds available to prepare the Proposed Zoning Resolution now before us; to the Chairman and to the members of the City Planning Commission and its devoted staff and to the numerous civic, professional and special interest organizations and individuals for their perseverance and cooperation in producing the proposed new and more desirable Zoning Resolution.

We urge its adoption and I file herewith the Citizens Union Resolution to that effect.

372 Park Avenue South

New York 10, New York

March 17, 1960

It is my firm conviction that the present Zoning Resolution for New York City has been amended to its full capacity, and therefore we are drastically in need of a new Zoning Resolution that will take care of density control for residential construction, parking regulations for all different types of bulk and use, and separation of heavy manufacturing zones by buffer zones of lighter manufacturing adjacent to residential zones.

I therefore urge the adoption of the Proposed Zoning Resolution without further delay.

Sincerely yours,
J. Sanger Brown
Architect

WOMEN'S CITY CLUB, Juliet Bartlett

The Women's City Club of New York heartily endorses the proposed new Zoning Resolution. It is a document of utmost significance which will steer the City's development into a healthier pattern for years to come. Every phase of the City's life has been considered and provided for. A million details are pulled together into a vast, imaginative and yet practical plan for New York's future.

Effective control of congestion and of population density is the most important feature of the proposal, in our opinion. With a few exceptions these controls appear to be suitably applied to the Zoning Maps so that the City's growth will be held within reasonable bounds without being strangled. Great expansion of the City's population within its rigid borders is not desirable. The proposed zoning envelope allows for sufficient expansion, in view of maintaining a healthy City with adequate public facilities. In fact, in a few residential areas we find that the proposal is not restrictive enough and would permit greater bulk and density than we consider desirable.

Among the improved features of the resolution is the new device of population density control by regulating the number of rooms in relation to the size of the zoning lot. We find this to be a practical device and comparatively simple in application, and well worked out in relation to floor area ratio. (We assume that the City Planning Commission's estimate of an average of seven-tenths of a person per room is correct.) This method of density control appears to be preferable to the Consultant's plan of regulating the number of dwelling units in relation to the lot size.

Turning to the few parts of the Zoning Resolution which we would like to see strengthened, we consider that the R10 district would permit density beyond good practice and quite possibly detrimental to good family living, and that it would almost certainly have a bad impact upon traffic and transportation, possibly on other public facilities.

While the new R9 district seems a good idea, to bridge the gap between the old R8 and the old R9 (now R10), we find that too often it has now been mapped for areas formerly designated R8 in the Consultant's Zoning Map of Manhattan.

Too frequently, in residential districts along waterfronts or large parks, fairly high bulk zoning is designated, with lower bulk further in-

land, thus shutting off the interior sections from view and sea breezes. At the later hearings, in discussing the zoning maps, we will point out some of these waterfront sections where we believe lower bulk districts should be mapped.

However, we want to emphasize that our enthusiasm for the Zoning Resolution as a whole far outweighs criticism of a few details. Additional reasons for our approval, as expressed last spring, include:

1. The various devices for controlling bulk, access to light and air of streets and windows, such as F.A.R.; the sky exposure plane, the formula for spacing buildings on the same lot. These appear to be carefully worked out in relation to each other and to the various types of uses and districts.
2. The open space requirement for residential lots, keyed to the total floor area of each building, and varied from district to district.
3. A single set of maps for everything instead of three sets of zoning maps as now necessary and in use.
4. The permissive listing of uses.
5. The elimination of the unrestricted district.
6. The exclusion of residences from manufacturing districts and from heavy service districts.
7. Performance standards for manufacturing uses. This modern method of judging the more or less objectionable features of various types of manufacturing and of manufacturing plants has been successfully tried in many cities in this country. It encourages elimination of objectionable characteristics, such as noise, odor, inflammability, etc. Thus it makes it possible to have unobjectionable industries adjacent to residences, in many cases eliminating transportation problems. This principle is an important part of the proposed Zoning Resolution and one that the Women's City Club strongly endorses.
8. Gradual elimination of certain existing objectionable uses from residential districts.
9. The special regulations for large scale projects.

We could mention even more reasons for Women's City Club approval, but these are the most important. And, most important of all, is prompt action on this long-overdue improvement. Every week of postponement of action is an opportunity for further undesirable overbuilding. We strongly urge that this proposed new Zoning Resolution, substantially in its present form, be adopted with all possible speed.

Thereafter we trust that the City Planning Commission will put its

major effort into Master planning. The lack of a comprehensive Master Plan has made it difficult to evaluate the zoning maps, especially that of the comparatively underdeveloped borough of Richmond.

In closing, we congratulate the City Planning Commission for presenting the City with an excellent new Zoning Resolution which, when put into operation, should be a boon to this City and its eight million inhabitants.

NEW YORK EMPLOYING PRINTERS ASSOCIATION, Paul M. O'Brien

I represent the New York Employing Printers Association which speaks for the commercial printing industry in the New York metropolitan area. I am speaking also for the Edition Bookbinders of New York, the Electrotypers and Stereotypers of New York, and five other printing industry organizations.

After almost a year-long series of conferences between your staff and our staff, we have reached the point of agreement where the printing industry can give its full endorsement and support to the proposed zoning plan.

This endorsement has been made possible by the cooperation of your technical staff and yourself in working out the specific problems which were posed for the printing industry by the resolution as originally drafted. Our industry is grateful for your cooperation and your sincere interest in our problems.

We are pleased to note that in some respects our printing plants will receive better zoning treatment under the *new* proposal than under the existing ordinance.

As New York's second-largest manufacturing industry, and as employers of over 100,000 New Yorkers, the printing industry has a natural interest in city improvement. Better zoning should, in the long run, work to the advantage of all industry by making New York City a better place in which to live, work, and do business. To achieve this purpose we are happy to join with you and with all the other supporting groups in pledging our support for the adoption of the new resolution.

CITIZENS' COMMITTEE FOR CHILDREN, Mrs. Milton Gordon

It's very difficult for us to appear here today because of the death of Mrs. Adele Levy. I am here because of her extreme devotion and dedication to children.

The relationship of zoning to the welfare of children is so obvious as to defy argument. It is no accident that juvenile delinquency breeds in overcrowded and congested slum areas. It is no accident that family problems affecting the emotional stability of children start in one room dwellings in older neighborhoods which have been blighted by the indiscriminate cutting up of homes and apartments into small units. Conversely, it is no accident that these problems diminish in open space, light and air.

Apart from the mental and social health of children, the physical health and safety of children is affected by smoke, odors, noise, heat, radiation hazards, and fire and explosive hazards.

That is why the Citizens' Committee for Children is interested in rezoning for the City of New York.

We are not architects or engineers, and therefore cannot testify to the technical aspects of the proposed amendment. But we can testify to its urgent need.

Because there is unrealistic and haphazard control of land use, many residential areas of the City are exposed to heavy commercial, industrial and trucking hazards. These conditions pose problems regarding the safety and health of our children—problems which can be resolved through modern zoning techniques and the establishment of standards controlling the nuisance and hazards generated by industry.

There are now no adequate controls to prevent overcrowding of neighborhoods and congested living conditions. Present *laissez-faire* zoning regulations have contributed to population concentrations in certain sections of the City that drastically curtail access to adequate school, transit, recreational and cultural facilities.

A happy and healthful environment for children cannot be found in areas where factories and dwellings stand together, where an open window admits noise, smoke, odors and all sorts of industrial nuisances instead of sunshine and fresh air.

The City must have the tools to regulate the number of dwelling

units per acre so that the number of families in any neighborhood—and, therefore, the number of children—can be more accurately predicted, thus facilitating planning for schools, recreation, libraries and other community facilities.

It is almost impossible to correct much of the damage which has been condoned by archaic zoning. Vast areas have sunk into an almost hopeless morass from which it will take Herculean efforts and generations to extricate. Without controls more and more of our City will run down hill and our children will be the principal victims.

Our children are our most valuable assets. Their welfare cannot be measured against the profits of selfish interests. We cannot delay any longer. We must decide whether we are going to leave our children a legacy of slums or adopt the progressive and comprehensive zoning plan proposed by the City Planning Commission. Thank you.

H. Robert Mandel, *Real Estate*

I have been identified with real estate for about thirty-seven years. I favor the proposed new Zoning Resolution for a good many reasons. Our company is extensively engaged in many real estate activities in New York City. I consider, as do many other prominent realtors in New York, the importance of adequate zoning for the future soundness of our city.

Those of us whose lives are mainly devoted to maintaining the real value of properties, gracious living and good working conditions in this wonderful city, are dependent upon the stability of their surroundings.

Speculation in land prices does not contribute to stability. On the contrary, it encourages unhealthy activity, based upon expectation of unconscionable densities. Such speculation is not good for the city as a whole, nor are such densities remotely tolerable for more than a tiny fraction of the city's land.

The situation which developed in Greenwich Village and which I have previously called to your attention and has been covered by my letter of February 18, 1960, on file with you, is as dramatic an example as

anything that I can think of, of the inadequacy of the recent Zoning Law.

As a matter of fact, it was necessary that hasty emergency action be taken to protect this community. The proposed new Zoning Resolution will provide similar safeguards for the city as a whole instead of this one community.

I join with all other real estate men of good will in urging you to adopt this new Zoning Resolution.

There are two other items which are not in my prepared text, which was an afterthought, and I want to bring to your attention. The first is the recommendation in that wonderful report of Mr. Panuch, Page 7, item 15, and I quote:

“Adopt appropriate zoning amendments to further the City’s housing renewal effort.” This was lost in the publicity that attended the report but I thought I would bring it out at this point.

The other item involves the federal government and Title I. Since good zoning is an essential requirement of the Urban Renewal Administration, I don’t think anyone should assume that the federal government will continue to be complacent if new redevelopment projects are built in islands which are surrounded by blighted areas. Sooner or later some federal official is bound to question the worth of the present zoning act. Thank you.

Rev. Paul W. Rishell

I am former executive secretary of the Department of Christian Social Relations of the Protestant Council of New York. I live in the Borough of Manhattan at 276 First Avenue. From 1941 to 1956, I was a resident in the Borough of Brooklyn, as Minister of the South Congregational Church, Court and President Streets in the Old South Brooklyn, or Carroll Park section. A chief interest and concern, as a Christian Minister, during my residence in the City of New York, has been in the area of community structure, especially from the point of view of human relations that proceed therefrom.

I, of course, do not speak as a technical expert; and therefore do not base my judgment upon building codes and other details connected

with construction. But I do submit there is a sociological imperative which must be given its due consideration in the maintenance of a great city's physical structure and in the conduct of that city's diversified life. Indeed, the sociological imperative—human welfare—ought to be the dominant factor in the ever present necessity of planning for a city's perpetually changing structure and life.

First and foremost then, in supporting the New Zoning Resolution, is the emphasis upon the obsolescence of the existing zoning resolution, dating back to 1916, 44 years, and made cumbersome by an almost countless number of amendments.

For one thing, the changes which have taken place since 1916 are so vast that it is difficult to conceive how any instrument drafted then for the regulation of city planning and construction could meet the needs of today. To begin with, the population of the city has increased by approximately 60 per cent; from five million to eight million. This, however, is a minor change compared with the sociological, technical, psychological and cultural changes. The living standards of the population, the presence of the automobile, the tempo of daily life, the cross currents of knowledge and information resulting from our modern mass communication media; these and many other aspects of modern city life have created a new world. Accordingly, it is only logical to believe that the elements of time and rapid change have made a new zoning resolution mandatory.

The proposed new zoning resolution's provisions for Use Districts divided into the three general categories of "Residential," "Commercial" and "Manufacturing" ought to result in the development of more stabilized communities and family life in many areas of our city.

One of the deplorable aspects of our city's life is its unstable neighborhoods. This is particularly true in certain fringe areas, where because of the environment the mobility of the population is at an extremely high rate. Families do not remain long enough to get their roots down into the soil of the community. The result is a civic irresponsibility on the part of adults, the heads of families; and a restlessness, or a less than adequate sense of belonging on the part of youth. Here is found an important factor in the growth of juvenile delinquency. A more systematic distribution of the population should improve the stability of communities, create a better climate for more wholesome home life, provide the incentive for a cleaner and more orderly city, and as an end result make our city a better place in which to live. Moreover, in this improved community climate, our churches and synagogues, our schools and other community agencies will be able to render more effective services.

Finally, the present program of rebuilding the city deserves and de-

mands a plan of zoning which will make the city of the future something to be proud of. To an observing citizen, what is taking place in this city in slum clearance, urban renewal, and new building construction is nothing less than phenomenal. It was reported about a year ago that a planned seventeen-year building program would provide new dwelling units sufficient to take a million and a half people out of slums and sub-standard housing. In addition to this, new commercial and industrial units will be planned and constructed. This period of reconstruction deserves newly adopted rules and regulations.

The City Planning Commission is therefore to be commended for its far-sighted imagination, and it is hoped that the basic principles stated in the new zoning resolution, and the provisions for carrying them out will be adopted.

J. C. SOMERS, P. E.

INDUSTRIAL ENGINEERING

31-48 78th St. Jackson Heights 70, N. Y.

March 16, 1960

I am an industrial engineer; resided in New York City 25 years; own property.

My associates and I have over 1500 clients or customer industrial plants. I know industry and population problems from Chicago, Pittsburgh, Sao Paulo, Montreal, etc., etc.

The new Code is the only answer to growth, redistribution of building and building areas and height, congestion, etc.

There are those who oppose. They speak mighty, because they say they represent the Queens Chamber of Commerce. Believe me, I was Chairman, Industrial Committee Queens Chamber of Commerce, 1955-1959. These people represent only themselves and a few self-pitying real estate owners. They pick their own directors.

Most of the opposition in Queens is accounted for by people who have large acreage that they are holding for \$10.00 a square foot. If they can increase the congestion, they will get that price.

Very few industries are opposed to the Code. They want a little break on prices, more auto parking etc. They do not oppose the Code. They are not going to move out.

Bulova plant in Woodside is a case. This plant is being replaced. This building should be residential in some form or torn down.

Please get approval of the Code. It may mean a little sacrifice on a few, including myself. It may require some changes. But get it approved as is. I have a copy and I have looked it all over.

It is a good Code. We should be proud of it. Forget the self-seeking Queen opponents. They are a minute minority. They represent nobody. They have failed to show me a single thing that is really wrong with the Code.

J. C. Somers, P. E.
Industrial Consultant

R. H. MACY AND CO., Elliot V. Walter

We believe the continued stability of a retail business such as Macy's is very clearly dependent upon the maintenance of a good living and working environment in the City of New York.

It appears to us that New York City has reached the crossroads and must make a decision which way it will go; to continue as we have in the past and suffer the consequences of even more and greater decay and blighted areas or adopt standards that will reverse this trend and make our City a more desirable place in which to live and to work.

This City must rebuild and adjust its commercial areas to the age of the automobile or continue to lose business and employment to shopping centers outside of the City with ample off street parking. With car ownership growing it is essential that we take steps to get the cars off the streets and save our commercial areas and main streets from the traffic strangulation that results in loss of business in wasted time and in high expenses.

We cannot stress too strongly the importance of the required off-street parking and loading requirement for new commercial construction which will help correct the almost complete paralysis of traffic which exists today in some areas.

We are glad to approve the proposed regulations of the City Planning Commission in principle. It seems to us that it is a long overdue and a constructive attack on the problems of our City.

27 E. 13 St.

New York 6, N. Y.

March 12, 1960

As a native born New Yorker and one who has seen our City become more destroyed each year by the money grabbing builders and real estate concerns who only have their own interests at heart and don't care about the welfare of its inhabitants, I support your rezoning plan.

It is imperative that our 1916 Zoning Laws be amended to provide our citizens with decent living conditions—a "*little*" sunshine and *enough room* to live as a human being.

Unfortunately I live in a "*New*" 21½ room apartment which is inadequate for a midget. This is only one example of our outdated Zoning Laws which allow unscrupulous builders to erect "*Air-Conditioned*" *Tenements* and call them luxury buildings.

Very truly yours,
Janetta F. Daugherty

MANHATTAN DIVISION OF THE PROTESTANT COUNCIL

Rev. Kenneth O. Jones

I happen to be Minister of the Fort George Presbyterian Church in upper Manhattan but am privileged to appear before you today on behalf of the Manhattan Division of the Protestant Council.

We recognize the influences of the environment upon the development of fundamental relationships in community living and the urgent need for more adequate zoning regulations, a need which has been demonstrated by the experience of some Protestant churches. There are some churches in the Borough of Manhattan that are presently surrounded,

for the most part, by commercial and retail districts and their ministry has suffered for lack of adequate zoning.

We also recognize the moral demand upon the city government and citizenry alike, working cooperatively, to create the best possible climate for the living out of man's destiny, and the importance of a more adequate zoning program in reaching this goal. If the city is to develop a balanced tax base for present and future population development, if it is to provide for the orderly expansion and creative growth of the city, if it is to enhance the possibilities of more adequate human relationships in all residential communities, if it is to provide guiding principles for private as well as public institutions as to the future demand and needs upon their facilities and staff, if it is to contribute to the health and welfare of mankind, and if the city is to encourage the development of a balanced community through balanced land use, it is urgent that a more adequate zoning resolution be adopted than that proposed in 1916 and amended hundreds of times since then.

Therefore, be it here resolved, that the Executive Committee of the Manhattan Division of the Protestant Council of the City of New York go on record as approving in principle the proposed zoning resolution submitted by Chairman Felt on December 21, 1959. Recognizing the urgency of the necessity for such a zoning proposal as the base upon which the City Planning Commission and the city government can continue to give guidance for the rebuilding and strengthening of the neighborhoods throughout the city, it is directed that a copy of this statement be distributed to all Protestant Churches in the Borough of Manhattan for their appropriate action.

And, be it further resolved that Mayor Wagner and Chairman Felt of the New York City Planning Commission are to be commended for the forthright manner in which they have developed and presented this zoning resolution to the citizens of New York. The Protestant community of the Borough of Manhattan is deeply grateful to them for their untiring efforts in creating a New York City climate in which every man might have the opportunity to fulfill his highest ambitions and ideals.

NEW YORK METROPOLITAN COMMITTEE ON PLANNING, Walter Thabit

Last year the New York Metropolitan Committee on Planning appeared at the hearing on rezoning to support the plan prepared by the zoning consultants, Voorhees Walker Smith and Smith. We supported that plan because it seemed capable of eliminating the majority of speculative practices that were creating future slums in our City. We knew that the old ordinance could not do the job, that it was impossible to add bulk regulations to high-density areas or to otherwise amend the old zoning ordinance effectively. On the other hand, we weren't too happy with the consultants' proposal only because it seemed too liberal in the already excessively congested areas of the City.

We did not want to see a repetition of West Side development and the area east of Central Park, and we did not want to see a new canyon area develop in midtown. Our specific criticism was that floor area ratios in the excessively congested districts were too high and therefore recommended that these floor area ratios be reduced by up to 20%. This recommendation applied to all the higher bulk districts in all use categories, namely, the consultants of all nine residential districts, the C-5-2, C-5-3, C-6-2 and C-6-3 Commercial Districts and in M-1-2, M-1-4, M-2-2, M-2-4 Manufacturing Districts. We were not alone in coming to this conclusion. The Women's City Club of New York came to the same conclusion and made similar recommendations. On the other side of the fence in these hearings stood some of the real estate interests. Those were the vested interests in the old ordinance. They agreed with the idea of the zoning principle, but they rejected the consultants' proposal for a reasonable zoning envelope.

They said the proposal would restrict the growth of the City, that building would stop and that business would go elsewhere. You've heard a couple of those statements here today. The proposal, however, was by no means that restrictive. The zoning envelope proposed by the consultants provided space for 11 million people, which is about 2 and 1/2 million more people than are expected to live in this City by 1975. This extra space provided all the flexibility needed for substantial speculative appeal; it would encourage building and would provide a legitimate profit to real estate people and builders. But this wasn't enough for the speculative forces—they asked for more.

Now, the Planning Commission's own proposal is before us today. Many changes have been made based on complaints, criticisms and suggestions at the hearings and after them. Many of these changes were responses to the analyses of groups such as the New York Chapter of the American Institute of Architects, which went to great lengths to analyze the design implications of the regulations. Many of the changes were to satisfy the objections of individual owners, whose property was improperly or inaccurately mapped. Many of these changes were made to meet the criticism of the speculative forces. Before going any further, we would like to say that the Planning Commission and its staff deserve the highest praise for withstanding so well the many pressures they were forced to bear during the past year.

In most cases, the changes made by the Planning Commission made the proposal a better one; and in no case is there any evidence of a give-away to any individual or to any group. As far as we can determine every serious complaint was given serious consideration, and every change was based on the merits of a specific case. We are pointing out, however, that the changes have been made which are primarily beneficial to the speculator. We note, for example, that several districts in Manhattan have been changed from C-6-1 to C-6-4, a change which increases the residential envelope by some 300%, and the commercial envelope by 70% in such districts. Similarly, the area east of Central Park has been remapped to permit a substantial increase in the allowable density. We are not implying that these and other changes were unjustified or that they were unnecessary but they do increase densities in already congested areas, and they do increase the total permitted envelope.

Whatever the merits of their case, speculators should now be satisfied. They were treated liberally in the original proposal and they have been given further consideration and further latitude in the proposal before us today. They have received fair and equitable treatment at the hands of the Planning Commission and if they were sincere, they should now be able to support rezoning or at least state specifically what it is that's wrong. But the speculators are not satisfied. They want the full zoning envelope for 55 million people provided by the old ordinance. They want to wheel and deal with all the property in the City. They want to continue the spurious trading in land at exploded prices. They want to continue to neglect parking and open space, provide inferior space at premium rents, overtax schools and other public facilities, to create still more congestion.

They want to continue to be able to decrease the development of surrounding real estate by building first and highest. They want to ruin good neighborhoods with incompatible uses or excessive densities. This

is what the speculator wants to maintain. This is what the proposal will prevent, and this is the zoning issue.

The newspapers have recently been full of the statements of the speculators and their captive spokesmen. It shouldn't surprise anyone that some politicians, engineers, architects, and others have joined in opposition. After all, the speculator needs political help. He also needs builders, engineers, and even architects. Some are specialists in the old zoning ordinance. And the firms that work for speculators and exploiters know which side their bread is buttered on. They must support the speculator. There's a whole society of speculation that the new ordinance will bring under a reasonable degree of control and that society is fighting back. The speculative forces are easy to distinguish from what we could call the honest people. They are those who are no longer bothering to agree with rezoning even in principle. They are now saying that the old ordinance has stood the test of time, that it can be amended satisfactorily, that the proposal needs further study, and that it is dangerous and drastic. More inflammatory, irresponsible and inaccurate set of statements on zoning would be hard to put together. Statements like this aren't made by people who are honestly trying to find an answer. They are made by people who cannot be satisfied.

We believe that no matter how much consideration is given to his point of view, the speculator will continue to fight against rezoning. He is opposed to any kind of reasonable regulation of his activities because reasonable regulation will reduce speculation to a reasonable level. And since he cannot be satisfied, we believe that nothing more should be done to accommodate him.

Let us recognize that speculation is the zoning issue and fight it. Now, in saying this we are not saying that the proposal is perfect. We know it is not perfect. We know that it will need amendments and changes after adoption; that there will be areas where density is too high or too low; there may even be a few provisions which will have to be tested in the courts. But none of this is sufficient reason to embrace the *laissez-faire* ordinance of the past nor to delay the adoption of the new proposal. Amendments to the ordinance could be obtained in a few months; variances could be obtained in a few weeks, but the undesirable development which is taking place now is going to last for fifty years.

In conclusion, METCOP believes that the majority of the public, the engineers, the architects, the builders, and even the real estate men are in favor of the proposed revision, or they would be if they had read it. Most of us want an ordinance which would reasonably regulate the development of New York City. METCOP feels that such an ordinance is before us today. We believe it is practical and workable—one which

has been modified enough to meet all reasonable objections to it. We expect that a few changes will be necessary as a result of these hearings, that the changes made will improve the proposal, and that there will be minor changes afterward, as well.

We therefore urge that the Planning Commission adopt this proposed ordinance as soon as possible and that it bring its final proposal to the Board of Estimate without delay. We hope and trust that 1960 will become known as the year of rezoning for the City of New York. And when the ordinance has been adopted, we hope the Planning Commission will turn its attention to master planning. We have no master plan for housing, we have no land use plan, we have no transportation and transit plan, we have no regional plan, we have no master planning. It's been neglected for a long time and zoning has taken a lot of time that could have been put to it.

We hope you adopt this ordinance fast and then turn your attention to that job.

MANHATTAN FIRST A.D. REPUBLICAN CLUB, Carey Vennema

I live in Greenwich Village and am a member of the First A.D. Republican Club. I have been asked by State Senator McNeil Mitchell, the eminent Republican leader of the first A.D., to speak on his behalf and on behalf of the Club, in favor of the Commission's proposed text of the Comprehensive Amendment of the Zoning Resolution.

Everyone agrees that the 1916 Zoning Resolution now has major weaknesses. Forty-four years of changing conditions is ample time to observe its inadequacies. Only those who have an interest in maintaining the status quo would have us limp along for fifty or sixty years while they snipe at every constructive effort to give the nation's greatest city the modern zoning it deserves. They know that new zoning for New York is inevitable, but they wish to delay the day of change as long as possible.

The vast majority of the people who live or work in the City of New York—the City's human wealth—are crying out for change, however, they crave more open space around the buildings to let the sunlight and fresh air come into their homes, offices and streets, to give them more

place for rest and recreation. They have grown weary of inhabiting canyons lined with massive concrete wedding cakes and they yearn for architectural variety to excite their eyes and spirits. They are frustrated by ever-increasing congestion in some areas and by advance of blight in others. These people want their city to become a better place to live and work in during the next generation.

The City Planning Commission's proposed zoning resolution will go a long way to making their wish a reality. It will provide the measuring stick for the continued building and rebuilding of the City in a manner which husbands and uses its land resources for the greatest benefit of its human resources. It will promote stable development of residential, commercial and manufacturing districts while protecting their character.

We commend the Commission for its foresightedness and efforts in preparing and proposing a workable zoning plan suited to New York's present and future needs and we urge its speedy adoption.

WMCA

415 Madison Avenue at 48th St.

New York 17, N. Y.

March 11, 1960

May I register my emphatic approval of the proposed new zoning ordinance.

I may claim to know something of the subject, since I have been active in rehousing and urban planning for more than 25 years. During this period, I built the largest low-rent privately owned housing project in New York, I was a member of the New York City Housing Authority, and Administrator of the United States Housing Authority, which made loans aggregating \$800 million to local Housing Authorities for low-rent housing. Moreover, I have been a student of zoning abroad since 1930. Last summer I inspected housing projects and consulted with city officials in charge of zoning in England, Sweden and Holland.

On the basis of such knowledge as I may have obtained over the years, I am willing to say that not only is the rezoning plan for New York essential, but such is its importance that speedy adoption is necessary to save the City from choking itself. Sunlight is becoming rarer, year by year, on the narrow canyons of the City streets. Not only are subways and roadways crowded, but at some hours of the day the sidewalks are all but impassable because of the crowds. Unless action is taken to rezone the City, provide for keeping business properties out of residential buildings, it is hard to contemplate the continued existence of New York as a metropolitan center ten or twenty years hence.

Of course there will be selfish opposition by those speculators and builders who are profiting by the present wholly inadequate zoning regulations. One cannot expect cooperation in changing the laws so as to put an end to their practice of building where and in what bulk offers the greatest profits. These are men who are exploiting the land in the City which is a precious and irreplaceable asset.

When the Real Estate Board of New York announced its solemn prediction that, "The City as a whole would suffer through the curtailment of new construction," let us not forget the record of the bankers and also the security dealers when essential reforms to end abuses in those industries were being considered by the Congress.

When the Federal Deposit Insurance Corporation Act was introduced in Congress in 1933, the then President of the American Bankers Association condemned it in these words: "American banking needs the abolishment of special laws (for) public regulation and supervision rather than more statutes for its restriction and control." Yet today the banks agree that the Federal Deposit Insurance Corporation protects depositors and the banks alike. Indeed bank advertising uses the Federal Deposit Insurance Corporation Act as a strong argument to persuade prospective depositors to make use of their facilities.

When the struggle was on in Congress for the enactment of the Securities Exchange Act to put an end to what has been called by historians "a fantastic era in Wall Street," Richard Whitney, President of the New York Stock Exchange, damned the proposed legislation in the following words: (This bill aims) "to establish indirectly a form of nationalization of business." But today, 26 years later, the soundness of the Securities Ex-

change Act is recognized by every dealer in the securities in Wall Street.

One may safely predict, therefore, that we have an exact parallel in legislation to safeguard New York City from further exploitation by builders, which is possible only because present zoning regulations are obsolete, inadequate and ineffective. It is to be regretted that a revised zoning ordinance was not enacted ten years ago.

I wish you every success in bringing about speedy enactment of this proposed zoning ordinance.

Faithfully yours,
Nathan Straus,
Chairman

MARCH 15, 1960

AM UNABLE TO ATTEND YOUR HEARING AS A SCHEDULED SPEAKER. PLEASE BE ADVISED THAT AS A REPRESENTATIVE OF THE SOMERVILLE ARVERNE CIVIC ASSOCIATION, INC., WE MUST VIGOROUSLY SUPPORT THE PRESENT PROPOSED ZONING RESOLUTION AND URGE ITS IMMEDIATE ADOPTION AND ITS SUBMISSION TO THE BOARD OF ESTIMATE FOR THEIR APPROVAL WITHOUT UNNECESSARY DELAY.

THOMAS A. CALIGIURI, PRESIDENT,
SOMERVILLE ARVERNE CIVIC ASSOCIATION, INC.

Eugene Morris, *Demov and Morris, Attorneys*

I am an attorney associated with the law firm of Demov and Morris. I am also Secretary of the Real Property Law Committee and Sub-Committee on Zoning of the Bar of the City of New York, and as a member I participate in its preparation of the report which was filed by the Bar Association with the City Planning Commission with respect to this zoning resolution.

My firm represents, I think, as many or possibly more people engaged in the field of urban renewal and redevelopment, housing, conservation and rehabilitation of housing as any firm in the City of New York. We do it on a very broad base and therefore, we have rather extensive experience in the practical problems that are encountered in its course of a day to day work that is done in the field of urban renewal, housing, rehabilitation and so forth. In connection with that, we have occasion, very often, to meet and deal with the zoning requirements in the City of New York. We have found them on many occasions in the past to be difficult to deal with and to create serious problems with respect to projects that we have been handling. As a matter of fact, as to one project we had in the Bronx which was developed under the Mitchell-Lama Law, we ran into a delay that exceeded a year because of zoning problems.

As a member of the Zoning Sub-Committee of the Bar Association, I have had occasion to study rather carefully the proposal which is under review here. I have studied it with a view to considering it as a practical instrument and a practical document for those of us who are active in the field of building and redevelopment and to determine just how it will work as far as we are concerned. That study has led me to the favorable conclusion that the change recommended is long overdue and will be a matter of great advantage to us in the practical field of building today, and building for the future.

Now, this evaluation is predicated upon specific experience with the existing zoning regulations in the manner in which they relate to housing and to the study that I described before, as to how these regulations will apply to the new and dynamic concept of housing that we find ascendant today in the field of urban renewal and middle income housing. No problems are created under the new resolution. That means that we, under

the new resolution, will be able to move forward expeditiously to the benefit of all of us in terms of practical housing produced for the city.

Our lives will be made easier—they will be made better organized. We will know where we are going and we will know in which direction. We will have a clear-cut view what can be done and what can't be done.

We also have found that the basic orientation of the proposed zoning resolution is geared in the same direction that we are. That is, the dynamic concepts of urban renewal and urban redevelopment as it is practiced today—and it is a view today by those who are active in the field—coordinate with the proposal contained in this zoning resolution. And, for these reasons I am strongly in favor of, and recommend the adoption of the Resolution as proposed.

QUEENS VALLEY HOME OWNERS ASSOCIATION, Rose Weisler

The Board of Directors of the Queens Valley Home Owners Association, Inc., have voted unanimously to support the proposed Comprehensive Amendment of the Zoning Resolution.

There are approximately 2,800 one and two-family homes located in the Association's area, of which more than 1,500 are members. Our area covers that portion of the Borough of Queens bound roughly on the north by Queens College; on the east by Kissina Boulevard; on the south by Union Turnpike; and on the west by Grand Central Parkway.

The need for density controls have become very evident to us.

It is generally accepted that the present Zoning Resolution is outmoded, archaic, and cumbersome in application; and requires complete revision. A new and more effective method is necessary to direct and channel the orderly growth of our City.

The proposed Zoning Resolution provides direction to "density control" so badly needed in our area and in much of central Queens which has not been fully developed. It will control the erection of new structures and, just as important, later reconstruction of many portions of Queens.

Under the present Zoning Resolution, a number of builders have erected homes with considerable open space. We approve of this. However, there are a few builders who erect monstrosities on land in Queens,

affording little open space and utilizing the land to the fullest maximum of the present resolution.

The proposed Zoning Resolution, through its controls over floor area ratios, regulations as to lot area per dwelling unit, open space ratios, and minimum lot regulations, all combine to enforce those regulations which are presently practiced by the better and more considerate builders of homes.

In our own area, our elementary, junior and senior high schools, are overcrowded, many of which have double and triple sessions. It has become necessary to "bus" our children to outlying schools, simply because there are no seats available for them in the schools in our neighborhood.

Transit facilities in our neighborhood have been strained and are close to the saturation point. To permit the erection of huge colonies of sky-scraper apartments, thus concentrating more people in the area, without providing adequate transportation would be the straw that would break the back of the camel of transportation.

Similarly, we have begun to find it increasingly difficult to find parking places for automobiles in our area. The extraordinary, almost wholly undirected, growth of housing facilities causing great concentration of persons, has intensified the problem.

Great masses of people should not be permitted to spring up in any part of our city without an eye to such facilities or their potential development.

An example of lack of such planning is to be found in the erection of the "skyscraper apartments" now springing up in the Borough of Queens. Complex giant structures of 21 and 27-story apartment buildings are being erected in central Queens, without a thought to the triple problems of schools, parking, and transit facilities.

Under the present Zoning Resolution, there is practically no control over this type of misplaced skyscraper.

Schools will have to be provided for the children which will normally be expected to live in the area.

Similarly, provisions will have to be made to transport their parents to and from work, and to provide places to park their automobiles.

The proposed Zoning Resolution provides a solution to these problems; or, at least attempts a sensible approach to the same.

No document the size and complexity of the Zoning Resolution can be expected to be beyond criticism.

However, we believe that this is a giant step forward to the better development of the Borough of Queens and the City, and it offers a solution to sensible density control in our city.

We strongly urge its speedy adoption.

SACHS QUALITY STORES, Richard Sachs

I am the President of Sachs Quality Stores, a retail furniture and house furnishings chain, which operates in New York City as well as in suburban areas. It is a source of great satisfaction to me to appear here today to speak on behalf of the proposed zoning resolution, not only as a businessman interested in the commercial problems of the entire New York community but as a citizen whose past and present identification with the Bronx, itself, has made me well aware of the Borough's economic and social needs for the future.

I have carefully studied the revisions made by the Planning Commission in the resolution proposed by the consulting firm of Voorhees Walker Smith and Smith. The resolution proposed by the consultants contained the basis for a sound approach, in my opinion, to the urgent problems that have arisen and will continue to arise in New York in industrial, commercial and residential neighborhoods contiguous to one another in the heart of a thriving metropolis.

The Planning Commission, in its revision, has made changes on the basis of certain objections which were raised to the consultants' report at the preliminary informal hearings last spring. These changes have been made in order to, I assume, give greater import to the realities of the City's development under the existing zoning resolution.

I stated in the preliminary hearings that The Bronx has reached a cross-roads and must make up its mind which way it will turn, and I believe this is no less true than it was at that time. We cannot allow ourselves to continue the aimless growth pattern of the past nor can we permit the further spread of areas of blight and instability in various parts of The Bronx. This wasteful process will bring with it unfortunate consequences for the entire metropolitan area. It is evident to me that the present zoning regulations contained a built-in mechanism with which to stifle the City's lifeblood. These old regulations permit the destructive incursions of residential projects into manufacturing and high-density commercial neighborhoods. This is unhealthy from the standpoint of industry and is inimical to the interests of families who must live in the new houses built in old unsuitable neighborhoods.

In The Bronx itself there are many dramatic examples of what can happen under the aimless, planless use of land allowed by the existing

zoning resolution. The industrial areas of the southeast Bronx and the heavy commercialized shopping area of the hub, and the upper Third Avenue section which used to be a busy commercial center, there are today blighted and unhealthy residential buildings.

Such residences are unhealthy for the entire community if they are unhealthy for those who must live in them. The proposed resolution rezones these areas to create more sensibly devised commercial neighborhoods, industrial centers, and residential areas.

One of the chief objectives of this resolution is to protect residential neighborhoods from the corrosive qualities associated with some heavy industries and manufacturing plants. Equally important is the protection of the City's economic lifeblood, its commerce and industry, from the destructive qualities of immediately contiguous residential developments. For many years, residential developments throughout the City, particularly in The Bronx, guided by the old zoning resolution, has been characterized by an excessive concentration of people in small areas and a dearth of open space.

The new proposal, while recognizing the reality of existing neighborhood development in this City, is designed to prevent excessive population densities and to insure adequate standards of light and air which are vital to a healthy community.

I have heard many New Yorkers complain about their City but I think that few of them would want to move and live elsewhere. Those of us who love New York have had a heart-rending experience in watching the destruction of neighborhoods which once were good places in which to live and to conduct business. The new zoning resolution will immediately stop this downward trend by controlling excessive conversion of dwelling units and the resultant over-crowding.

The City is losing the fight against blight, slums, and the human destruction that emanates from these conditions. The new zoning resolution would introduce stability in the middle-aged areas of The Bronx and permit urban renewal programs in the older sections to achieve real progress in the borough.

A large City must be concerned with every aspect of life. This means that commercial areas must be protected. The life of The Bronx depends not only upon the people who live there but equally upon its manufacturing concerns, its industries and its commercial and retail establishments. The present zoning has allowed these functions to be scrambled together in a crazy-quilt pattern with incompatible uses. The new zoning controls will gradually result in the sorting out of these functions so that the neighborhood shopping areas, the larger community commercial centers, the automotive service areas, and the central commercial areas can

each provide their customers with the high quality of service which they should be able to reach and attain under today's technology. The age of the automobile has in no sense been surpassed by the age of jet transportation, and our City is continuing to live under horse and buggy conditions instead of modern automotive transportation facilities. It has been many years since New York could effectively deal with the volume of private and commercial traffic that flows through its arteries.

In many respects, we have abdicated to suburban shopping centers which are amply supplied with off-street parking. The devastating effect upon the City's commerce has become apparent with increasing force since the end of World War II. With car ownership in the City growing steadily and rapidly, it is essential that all possible steps be taken to get the cars off the streets to save our commercial areas from the fate of traffic strangulation and the further loss of business to the suburbs. This is why I cannot stress too strongly the importance of the present proposed zoning off-street parking and loading requirements for new commercial construction. These requirements in combination with the liberally mapped depths of the commercial districts should produce a gradual and substantial long-run improvement to the operating efficiency of the City's commercial areas.

I can say to you, gentlemen, that I know from experience that in the Bronx, itself, commerce has been hurt badly by the Westchester and Long Island shopping centers, which are more convenient for people to go to than it is to shop in the center of The Bronx where they can't park and they can't have these facilities.

I am most gratified that the resolution contains as one of its major objectives the realization of the Bronx's many potential advantages for the attraction of many stable industries. At a time when so much industry is leaving the City, we need regulations that protect the remaining vacant industrial land from mislocated residential construction. The new proposal sets reasonable standards to insure the development of stable, modern industrial neighborhoods with adequate facilities for off-street parking and loading. There would also be established reasonable standards of performance for control of noise, vibration, smoke and other nuisances near residential neighborhoods. These are regulations the City needs to hold and add to its present industries and to strengthen its tax base.

I am also particularly impressed with the zoning maps contained in the new proposed resolution insofar as they relate to the density of residential neighborhoods. I believe there are, perhaps, too many allowable higher-density residential communities in The Bronx, even under the proposed resolution but I am also cognizant of the fact that once again

existing realities must be given weight. In giving weight to existing conditions, the proposed resolution permits the continuation of heavy industries in certain residential sections without regard to the enforcement of performance standards which would be required in the face of new commercial and industrial incursions into areas which are not typically zoned for their operation. Scattered through the Borough and the City are many heavy manufacturing plants which are granted continued permission to remain for many years in their present location despite the fact that they will not conform to the new use patterns to be established if the proposed resolution is adopted.

Quite certainly, it is not feasible to force the immediate relocation of some major industries without creating extreme hardship and undoubtedly for this reason they are permitted to continue in their present locations despite the restricted residential nature of the zones in which they would be operating. Together with the industrial, commercial and residential factors involved in the question of zoning are the far-reaching social implications in The Bronx as well as in each of the other Boroughs. We express great dismay when we read the number of youths who are judged delinquents by our courts each year for the serious crimes committed by the City's young people. We are horrified to recognize that the greatest City in the world, the seat of world government, continues to have inadequate schools, dangerously overcrowded hospitals, and a serious lack of neighborhood recreational facilities to occupy the growing leisure time of adults and the after-school and vacation hours of children.

The deterioration of the physical appearance of New York has reached such proportions that most of us are willing to shrug and accept the grime and the dust and the ugly slums as part of big city life. It need not be so. We have been guilty of a failure to think and to plan for the future. It is hard to recognize that last month's future, last year's future, is here today.

We know the high price we are paying today for the indiscriminate building and the lack of planning in the past. As monuments to our short-sightedness, we have solid walls of overcrowded and deplorable conditions, tenements in the older sections of The Bronx, just as we do in every borough, in every corner of the City. The cost of our past mistakes has created many a disastrous financial problem, which makes daily headlines in the City's press. Every businessman knows that he cannot operate successfully and profitably without sound and imaginative plans.

No progress can be made or would be made or has been made throughout history without the imaginative souls who are willing to think about and plan for the future. We can no longer live with the existing zoning resolution because it is a tangled and intricate mass

more complicated in a modern city than was the labyrinths of ancient times. The City cries for the proposed new zoning resolution. It must be adopted for this generation and for the protection of generations to come. Instead of stifling the City as the existing resolution has stifled us, the new proposal will enable New York to be a City of light and air, beauty, health and prosperity for many decades to come in the future.

FREDERICK G. FROST JR. & ASSOCIATES

144 East 30th St.

New York 16, N. Y.

March 24, 1960

We regret that because of the lengthy hearing yesterday on the proposed mapping of Queens we were unable to present our views at that time.

Our specific interest in the Borough of Queens is as architects for the proposed middle-income housing project known as Big Six Towers. This project is sponsored by the New York Typographical Union No. 6, and the site is on the south side of Queens Boulevard between 59th and 61st Streets. The original planning of this project preceded the publication of the Consultant's Report. As the site was mapped in that report the construction of Big Six Towers would not have been feasible. However, as the site is now mapped in the Proposed Amendment this project fully conforms to the proposed zoning. We wish to thank the Commission for its recognition of this significant project and making the map change in this area.

While we recognize that there may well be other specific areas where similar changes in mapping or in other details are in order not only in Queens but in the other boroughs, we wish to give our over-all endorsement to the proposed Comprehensive Amendment. We view it as a much needed advance in the technique of zoning and planning. It will bring the zoning of New York up to date and will guide the future growth of this city in a modern way.

Yours very truly,
Frederick G. Frost Jr. & Associates
S. Hart Moore

AUTOMOBILE CLUB OF NEW YORK, Paul Petrillo

I am Assistant Director of Traffic Engineering and Safety of the Automobile Club of New York, an organization of more than 370,000 members. I am here to express our vigorous support to three sections of the proposed new zoning regulation which are of direct interest to motorists.

Specifically, they are the sections dealing with off-street parking and loading. In general, the report emphasizes the inevitable continued growth and use of the motor vehicle and takes the positive viewpoint that vehicles and their drivers must be accommodated if the city is to continue to thrive and develop.

This viewpoint is particularly refreshing in view of a rash of recent proposals which seek to ban the automobile from certain areas of Manhattan, and generally make Manhattan more inaccessible to motorists than ever before.

Article Two, Chapter Four of the new resolution is concerned primarily with requirements for off-street parking facilities in residential areas. Without going into detail, it substantially increases the amount of off-street parking to be provided in multiple-family developments. The proposed changes are well supported on the basis of clearly established trends toward increased car ownership and use, and as an answer to the practical problem of saturating streets with parked cars.

Article Three, Chapter Five deals with commercial off-street parking and loading regulations and establishes the requirement that off-street parking spaces shall be provided in accordance with an established formula depending upon the character and size of the commercial establishment and the kind of district in which it is located.

The formula established, relating to the number of parking spaces required to the floor area of the establishment or, in some cases, to the seating capacity, seem reasonable.

The provisions in this suggested change certainly seem to be moving in the right direction.

It should be noted, however, that in some areas, notably lower Manhattan, commercial and manufacturing buildings are exempted from providing parking facilities on the grounds that they would be impractical and would attract still more cars and add to traffic congestion. The answer to alleviating traffic congestion is not to bury our heads and

blandly state that we should do nothing to attract more motorists. History shows that we cannot eliminate congestion merely by hoping that it will go away. Nor should we want it to "go away." Traffic and our ability to accommodate it is essential to any growing and vigorous community. Traffic will continue to enter these core areas. It is, therefore, essential that we provide additional parking spaces in those areas where the public wants to be. To a large degree, the city's off-street parking program will fill a major part of the parking space shortage. Where possible, however, private builders, as well, should make provisions to accommodate still more parkers.

Article Four, Chapter Four covers the problem of providing off-street parking space in manufacturing districts. The introduction to this chapter points out that this is a serious problem—that off-street facilities are not provided to the degree required in factory areas. Consequently, streets in these areas are clogged with curb parking to the detriment of moving traffic.

The suggested formula calls for one parking space for every three people employed. This is a reasonable figure.

Again, I should like to say that the three provisions covering parking facilities seem reasonable, in our opinion, and should be adopted.

Morris Ketchum, Jr., *Architect*

As one born and bred in New York, and as one who has watched with increasing dismay the massive deterioration of Mantattan in the past twenty years, I wish to endorse in the strongest terms the new zoning resolution for the City.

Everyone in the architectural profession knows of the many, many months which the architectural firm of Voorhees, Walker, Smith and Smith spent in studying the City in the minutest detail, before it framed the proposal presented to the City Planning Commission more than a year ago.

Since that time, a dedicated group of members of the New York Chapter of the American Institute of Architects has spent many more months of time—time taken from their practice of architecture, time

taken from their families, time that men less concerned with their City would have devoted to their own recreation—in studying the proposal, and have come to the conclusion that “it is essential that New York have a new Zoning Resolution and that there is no practical way to amend the present Zoning Resolution.”

We New Yorkers have only to look about us—to look out of the windows of our offices or our apartments and homes—to see the congested slums which have resulted from “laissez-faire” policies.

Most of us no longer drive in Manhattan because of its monumental traffic jams—and they slow us down intolerably when we have to use surface transportation.

And it is an astonishing experience to stand at a subway exit in midtown Manhattan between 8:30 and 9 a.m. any week day morning, and see it spew forth great masses of humanity, struggling to get out and to work. The crowding on subway platforms is so bad during rush hours that it is a miracle that people are not pushed onto the tracks. It will get worse if the City continues to have population explosions such as have already put intolerable strain on schools, parks and other facilities in many areas.

The reason for new zoning is a very simple one: we have to utilize some control over private individuals for the public good. If this is done, private enterprise will be benefited, not injured, for everyone will be compelled to play the game according to the new rules.

The conditions which are now producing deterioration in real estate values will be checked. Only two groups can possibly benefit from keeping the present antiquated 1916 code—the slumlords who have ruined many once-fine sections of the city by crowding ten persons into single rooms, and the land speculators, who are not particularly worried about what happens to the City as long as “they get theirs.”

The leading architects of the City have rallied to the cause of new zoning because they are concerned with the City’s human, political, social and economic problems. They have been taught to think in terms of people, in terms of providing a good environment for the men, women and children of the City. They believe in designing buildings that will be comfortable for the occupants—whether daytime office workers or families in apartments and homes—buildings that will bring a fair and just return to their owners, and buildings that will lift the human spirit and reflect our civilization and our dreams.

These qualifications are met in the finest new buildings which architects of this City have designed.

Would the slumlords and the land speculators tear them down be-

cause they do not utilize every last inch of land, and every last spot of sky that the present antiquated code permits?

Must we not ask ourselves, "Where are the wolves in sheep's clothing trying to lead the City, when they revile our most famous architects and basely accuse them of not knowing their business? What is the true purpose of this all-out campaign to defeat the new zoning proposal in its entirety?"

I believe that the proposed zoning resolution deserves the firm support of the public, the real estate interests and the architectural profession. I sincerely hope that it will be enacted into law.

If anything, it does not go far enough!

I particularly call your attention to the report of the New York Chapter of the American Institute of Architects, which states, "The City Planning Commission should be encouraged to complete the Master Plan as soon as possible."

If the City had a master plan, then such proposals as that for huge public garages in midtown Manhattan would immediately appear as an illogical answer to the problems involved.

Put into effect, this recommendation would result in making the already congested midtown area practically impassable to automobile traffic. Traffic from perimeter highways, such as the East River Drive and the Henry Hudson Drive, would have to make its way through Manhattan's already overburdened streets, in order to reach these garages, and, later in the day, crawl home.

It would seem more logical to place these garages for 10,000 cars along the perimeter of Manhattan Island, adjacent or close to our perimeter highways. If this were done, the arriving motorist could park his car conveniently without entering Manhattan's traffic and take bus, subway or taxi to his destination.

The proposal to erect these garages in the center of the Island would also mean tremendous expense to the City, for they would be placed on some of the most valuable land on Manhattan. The Island went off the market at \$24 quite some time ago!

To make the needed space the City would have to tear down very valuable buildings, or else rip up public parks for underground parking. And eventually all crosstown streets in mid-Manhattan would have to be greatly widened, in order to attempt to alleviate the resulting traffic congestion.

No city can afford a step of this kind, even if it is as big and wealthy as New York.

No city can live under the law-less system of the jungle, and that is

what New York would have to do if selfish interests, scornful of the public good, succeed in defeating the new zoning proposal.

Please count on me for all possible support in this splendid battle you are waging to keep our City great!

EAST 49th STREET ASSOCIATION, James Amster

This is an Association composed of a group of neighbors, both owners and tenants, who live east of Lexington Avenue on East 48th, 49th, and 50th Streets. They have formed this Association to keep this part of East Midtown primarily a residential community.

We seek to be a community sounding board and a community voice in City affairs, which affect residential living and property values in East Midtown Manhattan.

At a recent meeting of the Executive Committee of my Association, the proposed new Zoning Ordinance, which is under discussion at this meeting, was studied. It was the unanimous opinion of the Executive Committee that this program fills a very definite need in City Planning and Zoning Ordinance. We feel that the proposed new Zoning Ordinance deserves the approval and support of the entire City because it is based on the understanding that it is possible through over-building to create too dense a population.

Our area is composed primarily of brownstone residences in excellent condition. Without apology, we feel that this area deserves preservation and protection against the existing building trend, which demolishes these brownstones and erects in their place mass buildings which crowd people on top of people.

We feel that the proposed new Zoning Ordinance will help us to accomplish precisely this and we also feel that our brownstone area, strategically located in the heart of the Midtown district, deserves special protection in order to prevent the neighborhood from becoming a canyon of giant monolists. We, therefore, earnestly hope that the City Planning Commission will approve the proposed Zoning Ordinance.

Many visitors to the United Nations use our streets either to visit or return from the United Nations. This is probably the biggest "tourist

attraction" to our neighborhood and our city. Like all of the magnificent capitals of the world, our neighborhood should be the most beautiful approach to the United Nations possible. The trail between the United Nations and the Waldorf, of necessity, passes through the heart of our community. It is, therefore, essential not only to us who live here, but to the City and the World that our neighborhood retain, maintain, and encourage the residential charm we cherish on these three streets.

As reported in yesterday's press, we know that the Governor has introduced a plan for the creation of more public parks. This is an ideal very close to our hearts and our aims. We have, what we think, an ideal location in our neighborhood for such a park site. It is between 48th and 49th Streets, from First Avenue to the East River—a site largely devoid of buildings. The East 49th Street Association would like to suggest to the City Planning Commission, and to other responsible governmental agencies, that this area be zoned for park use and developed as such.

We feel that the East Side is the worst representative in park space with the highest density of resident population in the entire city.

In addition to the needs for a park in our area, we would like to suggest to the Commission that the area between 1st and 3rd Avenues on 48th, 49th, and 50th Streets, really deserves the protection of an R7-2 zoning. It is now intended to make this section R8. For reasons expressed earlier, the East 49th Street Association earnestly recommends that the greater protection be given to our brownstones.

Thank you for giving us this opportunity of being heard.

Hon. Louis Okin, *Councilman from Manhattan*

First, let me say quickly and simply that I heartily approve of the new zoning resolution and I urge its adoption, substantially in its present form.

This position is indicated if for no other reason than by the forward stride taken in the form of the proposed new zoning resolution. Under the new resolution a builder or an owner will be able to refer to a single map and be able to determine the uses to which he may put his property, how tall a building he can erect on it and the number of square feet a structure on the property may contain.

Anyone considering proposed changes in the zoning resolution governing the City of New York should remember that our City was the first in the nation to adopt a zoning ordinance. This happened in 1916 and itself constituted a giant step forward in City Planning. However, the Code then adopted, under which we are now operating, employs three separately bound maps; one for the use to which an area may be put; one to determine building heights and one governing other area regulations.

Under the proposed changes, once a use district for a piece of property is ascertained—and this can be done easily—relatively simple charts are presented. These charts will answer practically every design question, including height, land coverage and the overall square feet permitted in a proposed structure.

The new code encourages open space around buildings. In order to achieve the objective of open space, a bonus is given to a builder who uses a plaza or an open arcade in his structure by permitting him extra height in the building.

Similarly, if a builder surrounds his structure with large, park-like space, the builder will receive a bonus in interior space.

By the use of the single map system and the correlated charts, an owner can determine the off-street parking he must provide, the set-back planes permitted in the building and the number of rooms a residential building may contain.

The objection to the proposed zoning resolution stems principally from realtors having an interest in the high value land, principally on the east side of Manhattan. However, anyone interested in the long-range development of Manhattan, and indeed, all Boroughs of the City of New York, must realize that the encouragement of open space in buildings is a change long overdue in the development of our City.

The emphasis on eye appeal in attempting to discourage a bulky base in commercial and residential structures is something which must be approved.

Similarly, under the proposed new code, builders would no longer erect long rows of similar buildings such as we find in many sections of Brooklyn, Bronx and Queens, chiefly exemplified by the rows of six story apartment houses. It has been shown that practically 60% of the structures built since World War II could have been built under the provisions of the proposed new code. Indeed, practically all new residential building, particularly in the outlying areas of the City, are conforming with the proposed new code.

All of these changes are for the better good of the larger number.

However, as I stated, the simplified system of a master control through the use of a single map, supplemented by keyed charts, is reason enough to approve the proposed new zoning resolution.

Raymond J. Horowitz, *Attorney*

I am Raymond J. Horowitz, a practicing lawyer in New York. I have long been interested in zoning. I am a co-author of the book entitled "Building Regulation in New York City," which is largely devoted to zoning and administrative procedures in connection with zoning. As an Assistant Corporation Counsel of the City of New York in the early 40's, I handled many zoning matters in which the Board of Standards and Appeals and the City Planning Commission were involved. As a lawyer in private practice I have continued my interest in this field.

I am here today to register my support for the Planning Commission's "Proposed Comprehensive Amendment of the Zoning Resolution of the City of New York."

There is widespread recognition, even by those who are opposed to the Planning Commission's proposal, that the present Zoning Resolution is outmoded and inadequate for the needs of the City of New York.

The only real question is whether modernization should be attempted by a continuation of the process of piecemeal amendment or by a comprehensive amendment, such as the one that the Planning Commission has proposed.

I submit that New York City has tried patchwork amendment long enough. More than 40 years of this approach have resulted in an outdated and unsuitable instrument. There is no reason to believe that the results in the future will be any different from those in the past.

I further submit that those who contend for a continuation of the process of piecemeal amendment do not really want zoning advance on a broad front. They know that the deficiencies of the present Resolution both as to substance and as to form are so numerous and so serious that it is impossible to produce extensive zoning progress within the framework of the present Resolution. To attempt widespread remapping on the basis of the existing text would produce undesired, haphazard and

indeed onerous results. Likewise, rewriting the text without integration with the maps would be fruitless. Attempted modernization through patchwork amendment is doomed to defeat.

On the other hand, the Planning Commission's proposed comprehensive amendment is a fully integrated and flexible instrument which will provide a basis for rationally guiding the future development of New York City. In my opinion, the Planning Commission's proposal is a highly desirable one. It incorporates modern zoning conceptions and techniques which have been adopted by other cities, including Chicago, without any noticeable effect on real estate activity. It will help to provide the basis for a better life for those who live and work in this City and will, in the short—as well as the long—run, enhance rather than diminish aggregate real estate values in the City.

This City pioneered comprehensive zoning in the Nation in 1916. It is time for New York to reassert its leadership by now adopting the Planning Commission's proposal.

NEW YORK LIFE INSURANCE COMPANY, G. Harmon Gurney

I appear as Chief Architect for Housing of the New York Life Insurance Company, and as Chairman of the Civic Design Committee of the New York Chapter of the American Institute of Architects.

The proposed New Zoning Resolution for the City of New York as prepared by the City Planning Commission should be enthusiastically supported by all those who are sincerely interested in the present and future development of the City as a whole.

The 1916 Zoning is frightfully outmoded and fails completely to take into consideration the factors that are of paramount importance in the solving of problems in the future development of our City. Those advocates of amending it fail to understand or pretend not to understand that if all of the basic requirements of an up-to-date Resolution were to be incorporated in the 1916 Zoning Law, the end result would be a complete rewriting of this resolution.

For 1960 and for the foreseeable future a complete New Zoning Resolution, not a patched up Resolution, with a contemporary approach

to rational controls of use, bulk and parking requirements is essential, as many other cities have found in recent years.

The almost incredible changes that have taken place in the last forty years have made necessary a complete new conception of proper planning of our cities. It is time that we New Yorkers adopt a New Zoning Resolution that is geared to the modern approach to planning, essential in a city of the size and complexity of New York.

For the past four or five years Chicago has been operating under a new Zoning Resolution generally similar in text and scope to that proposed for New York.

The Housing Department of the New York Life Insurance Company has been building under this new Chicago Zoning Resolution and has encountered no difficulties in its huge construction program there.

As a matter of fact, Chicago has been enjoying a building boom in private residences, apartment buildings and office building construction since the adoption of its New Zoning Resolution!

The City Planning Commission has held numerous meetings with individuals and interested groups during the period between the issuance of the Voorhees Walker Smith & Smith proposal on Zoning more than a year ago, and the publication three months ago of the City Planning Commission Resolution. As a matter of fact, meetings have been held right up to the time of present hearings.

I personally have participated in many of these meetings, and suggestions and changes requested by the groups represented in these earlier meetings have resulted in the adoption of many of these recommendations in the final draft of the City Planning Commission Zoning Resolution. The later recommendations, together with matters discussed in these hearings, will undoubtedly be included in the final draft submitted to the Board of Estimate.

If the Proposed Zoning Resolution is not approved, no other attempt to adopt comprehensive Zoning is likely to be made in the foreseeable future. How unfortunate for the orderly development of the City, in a period that will undoubtedly see a vast program of rebuilding.

New York City must be prepared to participate to the fullest extent in the orderly absorption of population increases in its future building programs. An early adoption of the proposed Zoning Resolution will be of tremendous help in the proper, comprehensive approach to the planning problems involved in such expansion.

This New Zoning Resolution is of vast importance to all citizens but is of special interest to the architectural profession, which is charged with the responsibility of planning decent working and living conditions for the City's residents. Its adoption will result in an opportunity for the

architectural profession to exercise much greater freedom in the planning and design of buildings in the future.

I therefore urge the adoption of the Proposed Zoning Resolution at the earliest possible moment so that we can go forward with the future planning of our City under a comprehensive and modern Zoning ordinance.

L. Bancel LaFarge, *Architect*

As a Fellow of the American Institute of Architects, I have been an active member of many of its committees on a national, regional, state and local level. When the Committee for Modern Zoning asked me to be Chairman of the Architecture Division I was more than pleased to accept. As many of you know, this group is a non-partisan citizen's organization consisting of civic leaders from all fields of endeavor, and I feel honored to be associated with the group.

I am here, today, however, speaking as an individual who is vitally concerned with any plan that is brought forth to provide for the future growth of our city. Piecemeal amendments to the existing zoning plan will only add further patches to that threadbare "horse and buggy" blanket of 1916. Those civic planners could not foresee the era of motored transportation and its effect upon our metropolis. Nor did they envision the great apartment complexes and tremendous office buildings that we require to provide living, commercial, and industrial facilities for our community. We have been just plain lucky that industry and people have continued to come here in spite of the lack of a plan that would integrate them to their best advantage and to that of the city's. Our welfare cannot be left to chance and stop-gap measures. A new look—a new plan is the only answer.

The present proposals before this commission seek an orderly development and growth of our city in order that we might plan ahead for such services as transportation facilities, schools, utilities, and hospitals. You, gentlemen of the Planning Commission, deserve public thanks for your efforts to give these proposals the widest possible hearing. I have noted that since December, when your first hearings were held, changes

have been made in these proposals—changes based on the recommendations of the various civic groups that have appeared before you. Most of the changes that have been made since the first series of hearings broaden the scope, while at the same time re-emphasize and underline the basic concepts of this new zoning plan.

For example:

1. In commercial sections of the city—plazas and arcades have been further encouraged by enlarging the additional amount of rentable space the builder may be permitted for his building.
2. Historical areas are now to be zoned in such a way that demolition of existing buildings would be uneconomical, rehabilitation would be encouraged and thus the general nature of these areas would be maintained.
3. While the number of types of residential zones has been increased, density controls work in terms of the maximum number of rooms which may be built on a given plot. High bulk buildings have been eliminated from narrow streets, and the character of many of the Upper East Side streets with their fine old residential buildings will be preserved. We are anxious to preserve the neighborhood quality of our city; the Mayor has already appointed a committee on neighborhood redevelopment. These proposals will go a long way in that direction.

These new hearings will bring forth many more suggestions, many of which, I am sure, will be adopted. I think that this commission has already demonstrated its good faith in participating with anyone who looks to the future needs of the city. We must begin however with a basic new look at our development problems. The crazy patchwork of existing zoning legislation hides not the planning deficiencies of the minds of 1916. These new proposals are the first forward step in city planning in 44 years. We must look to the future and not the past.

MAR 15 1960

AS AN ACTIVE OBSERVER OF CITY AFFAIRS AND AS ONE WHO IS ACQUAINTED WITH THE SPECIFIC CONCERNS OF MORE THAN 200 FAMILIES IN ALL PARTS OF STATEN ISLAND I COMMEND YOU FOR YOUR NEW ZONING PROPOSAL. IF ADOPTED IT WILL BE THE SUREST WAY TO DETER THE GRIM CONFUSION OF LAND USE EXPECTED IN OUR IMMEDIATE FUTURE FOR EFFECTIVE DEVELOPMENT OF STATEN ISLAND. MANY ADVANTAGES ARE SLIPPING AWAY. IN THE INTEREST OF STATEN ISLAND AND ALL NEW YORKERS I HOPE YOUR EXCELLENT PROPOSAL BECOMES A REALITY

REV. CHARLES REINHARDT
MINISTER
UNITARIAN CHURCH OF
STATEN ISLAND

COMMUNITY SERVICE SOCIETY, Mrs. Barbara Reach

Last April we appeared before you and we are here again today to let you know that we support the amendment of the zoning resolution, and to tell you, briefly, why we are eager to see it passed.

The Society has for over one hundred years been concerned with the family welfare of its clients. Inevitably this includes a concern for the surroundings which affect the health and welfare of the family itself.

Our Committee's approach is not academic and theoretical; we work closely with the nursing and casework staff of the C.S.S. who daily see the direct and indirect effects which housing and neighborhood surround-

ings have on the physical and mental health of young and old, on the welfare of the family as a whole, and on the development of young people into healthy, useful citizens.

We have studied those sections in the proposed Resolution which pertain to housing and neighborhood surroundings. We shall not evaluate these provisions from the technical standpoint because our interest is focused entirely on the effects which these proposals will have on the future lives of thousands of families and individuals.

Our Committee is happy to note that the proposed Resolution contains many sound social features, for example:

- the lot area per dwelling unit regulations, which control population density by limiting the number of dwelling units permitted on a lot;

- the open space ratio, which regulates the amount of open space on a lot;

- the minimum lot area and lot width regulations, which affect the density of development and will permit more light and air both in residential buildings and public streets.

We are deeply interested in the closer control of population density in all areas of New York City. This proposal will curtail the extremely high densities which are permitted under the existing Zoning Resolution—densities which adversely affect normal, healthy living. The proposed restrictions will also help to preserve and stabilize the character of present medium and low density areas and thereby help to prevent neighborhood deterioration.

Closer control should make it possible to plan hospitals, schools, health clinics, libraries, and other community facilities so that they will meet, or can be easily adjusted to the future as well as the present needs of a neighborhood. This in turn will help prevent the recurrence of many present situations in which such facilities are located in areas where, because the character or amount of population has changed radically, there is little need for them, while other neighborhoods, where the population has grown, suffer from an acute lack of these same facilities. The financial costs of abandoning old facilities and building new ones is great; the lion's share of this cost is borne by the taxpayer, since most of these needed neighborhood facilities are erected by the City. Not to build new facilities in areas where they are needed is enormously costly in human life and social well-being.

Our Committee is also vitally interested in those provisions which will result in increased light and air, both in residential buildings and on public streets. The amount of light and air which is obtained today as a result of various provisions of the Multiple Dwelling Law is often totally inadequate for desirable living.

Many thousands of dwellings in New York City lack sufficient sunlight and air for the health and well-being of the persons who live in them. This lack is not confined, as many people suppose, to old law or even to new law tenements. Even today, large multiple dwellings—including some luxury-type apartment buildings, are being built with rooms which are stifling in summer and are so dark all year round that electric lights must be kept burning at all times. This happens because access to light and air is inadequate.

We are aware from the visits of the C.S.S. nurses and caseworkers of the effects which dark and poorly-ventilated apartments have on the health and spirits of people of all ages.

The struggle to obtain light and air for residences in New York City has been long, arduous, slow and hard-fought. It took years to achieve legal prohibitions against the construction of new dwellings with windowless rooms; now no one would seriously defend the construction of such rooms. Another struggle was necessary to obtain the setback provisions for high buildings which have been accepted as sound and desirable for over a quarter of a century. The present requirements for yards and courts were also achieved through the efforts of many persons and groups who were primarily interested in the protection and preservation of human values.

All of these present requirements necessitated changes in what were, at one time, commonly-accepted building designs; all of them also reduced the possible lot coverage and the permitted floor areas. The results have been better and more healthful living conditions than would otherwise have existed.

Now there is once again the possibility of taking a major step forward in the long struggle to make New York City a more comfortable, desirable, and healthful city in which to live and bring up a family—a goal in which every one here today has an interest and a responsibility.

The Committee on Housing of the Community Service Society wishes to indicate its wholehearted support of the Resolution before you.

Lorimer Rich, *Architect*

I am a registered and practicing architect in this city and I am a member of the New York Chapter and a Fellow of The American Institute of Architects, and a former vice president of the Architectural League.

I am the architect of many public buildings and institutional buildings, a number of which have been erected in this city. I am familiar with present zoning laws, have read the new zoning proposals and am reasonably familiar with them.

I appear here today as an individual architect and taxpayer. I speak for myself and for no organization. I am in favor of these proposals and wish to state here briefly my reasons for this opinion.

New zoning is desperately needed in New York City. It is over 40 years since our first zoning law was passed. Our city has increased in population manyfold. Our problems of pedestrian and vehicular traffic, of transportation and of sheer density of people have become intolerable. Our streets are crowded with automobiles, our subways and surface mass transportation is indecent and the number and height of our buildings is shutting out light and air to an intolerable degree. These problems are causing the very families we need most to leave the city.

These proposals, it seems to me, make an honest and valiant effort to ameliorate these conditions. I need not precise these things further. You have heard them several times from eminent men yesterday and today. Of course, there are items in this complicated proposal that may not be all we would like them to be and I am sure that where injustices develop, means are provided to rectify them. We all know, as a matter of fact, that if we wait for a perfect zoning resolution, we will wait forever.

Last evening the headline in one of our newspapers, said "City Architects Reject New Zoning Proposal." This is definitely not true. The headline should have said, "The Architects Council of New York City Rejects Zoning Proposal." The Architects Council is a delegate organization composed of approximately one member from each of a dozen or so architects' organizations, large and small, throughout the five boroughs.

The By-laws of the Council, I am told, require that the architectural organizations of the city speak on legislative matters only through the Council. The New York Chapter of the American Institute of Architects,

through its Civic Design Committee, has made an extensive study of these zoning proposals and have printed a comprehensive report in favor of the new zoning. This report and its recommendations cannot, apparently for the above-mentioned reasons, be officially presented to you. Therefore, The New York Chapter of the American Institute of Architects, the largest chapter in the United States, and I think one of the most distinguisher speakers was forbidden to speak to you. I have talked with many, many members and I assure you that individually the great majority wish these proposals to become law. Yesterday and today, there have appeared before you many well-known architects, some of them with nation-wide reputations. They have devoted much time and energy to aiding this city in its planning and architectural problems and are devoted to its welfare.

I call your attention to the fact that while these men all speak before you as individuals, they are members of the New York Chapter of the American Institute of Architects. Don't let anyone tell you that the Architects with a big A of this city do not wish this zoning law. They do.

CITIZENS' HOUSING AND PLANNING COUNCIL OF NEW YORK,

Roger Starr

The Board of Directors of Citizens' Housing and Planning Council at its regular meeting in June, 1959, endorsed the Voorhees, Walker, Smith and Smith proposal for a new zoning resolution. A lengthy report was adopted at that time outlining a number of specific recommendations, copies of which were previously given to you.

At a recent meeting of our special Zoning Committee, the proposals now before you in the form of a resolution presented by the Planning Commission itself, met with the approval of our Zoning Committee. Therefore Citizens' Housing and Planning Council of New York endorses your proposed zoning resolution and urges its passage as quickly as possible.

Having thus covered the formalities, I would like to stress the major benefits to the city which we believe will follow the prompt adoption of

this new zoning resolution. Our Council is interested primarily in *better housing and effective city planning*.

As to housing, we believe that the establishment of sound density standards of population will benefit all housing in the city. We believe that the standards established in the proposal are sound standards. This does not mean, of course, that the time will never come when we will want to change the application of specific standards to specific areas—this is *mapping*, and we must always maintain proper power to change mapping as the city develops.

But the standards of population density and land uses which your proposal would provide will tend to keep neighborhoods pleasant and livable where they have these characteristics now. New, over-built housing will not be allowed to exploit the city's dwindling supply of vacant land with a population that after a few years will be ready to move on, leaving potential slums behind. How often have we seen this pattern before in New York?

Good zoning today may eliminate the need for slum clearance tomorrow. In locations that are particularly in demand, these controls are needed to prevent exploitation that will overload community facilities, and destroy the possibility of achieving pleasant, stable neighborhoods. Finally, in both low and middle-income housing, your density and bulk controls will prevent thoughtless waste of a limited supply of fiscal aids in producing housing in the wrong place, of the wrong type, and for the wrong people.

We have before us the horrible example of the Ebbets Field Middle-Income Anthill. It involves a 25-story building in which what would have been a fairly good weekday crowd at the same Ebbets Field site will be expected to live out their lives in meek satisfaction. These are the middle-income families who are now moving to the suburbs in waves, and who, presumably share a taste for the ideal of a detached home sitting on its own piece of land. The proposed zoning resolution offers 5,700 square feet as the minimum lot area for such a home. Does anyone think they will be swayed to abandon this ideal permanently by their 200 square feet of the Ebbets Field site, which is the pro-rata portion per family of the $5\frac{1}{4}$ acres? This is one-twenty-eighth of the 5,700 square feet in a minimum one-family home site.

Of course, we understand the tremendous pressures on public officials to produce middle-income housing. Of course, the temptation is great to consider anything that rents for \$30 a room and meets the requirements of law—middle-income housing. If we are to use public power and public funds to keep middle-income families in New York, it seems

clear we can depend only on the powers of the law to establish housing standards high enough to enforce the achievement of the objectives.

Will the enforcement of these standards create an overwhelming problem for the real estate and construction industries? Citizens' Housing and Planning Council does not think so—in many cases proper standards are being met. In some cases there will be readjustment of present industry patterns. These readjustments will be made.

Parenthetically, I might say that we at Citizens' Housing are composed not only of planners and visionaries, though we are proud of those we have; our Directors include contractors, investment builders, real estate people and representatives of every other phase of the construction industry.

Incidentally, the two classes—visionaries and real estate men—are not mutually exclusive. Contrary to an impression which certain trade associations are trying to foster among the public—some of our practical real estate people are among the strongest supporters of the new zoning resolution.

I think that by far the majority of our Board regards as fanciful nonsense the suggestion that limiting overcrowding will kill the building industry. That industry—given general prosperity to make a market for it, and a city with industries and amenities—has successfully adjusted to many radically changed conditions. It has mastered new building laws and safety codes, a zoning law and many amendments, parking regulations and the vagaries of popular taste. Thirty years ago it provided swimming pools in the cellar; now it will provide them on the roof. Investors have accepted steel frames instead of bearing walls; reinforced concrete instead of steel; new-law tenements instead of old-law tenements; multiple dwellings for new law tenements. Each change has stimulated a new choir of doom-singers. Anyone who feels that the density limitation will so affect the profitability of construction that the building industry will go into a tailspin—such a critic does not understand the flexibility of the building industry, with its very low percentage of fixed capital to gross volume, its ability to combine and recombine in the solution of changing problems.

The same critic probably also says that the increased land cost resulting from density limitation will stifle initiative. Obviously if the building industry were to slow down, land costs would be drastically revised. So the two predictions are irreconcilable. What we will see, in some parts of the city, if the zoning resolution is passed, is a readjustment of land cost to its new use value. And the building industry will gradually adjust its operations to the new ground rules, and the new patterns of city life that will emerge. Land-owners in popular areas, hold-

ing land at a price that reflects the hanging gardens of Babylon they expect to put on it, will give up their dreams. The sooner they are awakened, and the sooner we relate land price to a realistic use value, the better for the city and all of us who live in it.

Second, we favor the new zoning resolution because of the aid that it will give to sound replanning of the city and its facilities. Because of the fundamental orderly construction of the new zoning resolution, it will be easy to plan in our study the need for new schools, new roads, new public facilities of all kinds.

One of the most attractive features of your proposal is the flexibility that is the direct result of its system of strict controls. Does this seem paradoxical? Those who specialize in reading unpleasant messages on the walls of the city, will tell us that your new zoning resolution would freeze the city into a rigid pattern. It seems perfectly clear that the only thing that has ever frozen the city into rigid patterns are the bad buildings that have been put up because of loose and inadequate zoning laws and building codes. The bad buildings resist change. The Equitable Building at 120 Broadway, which was the horrible example of light and air gluttony that impelled New York to adopt a zoning resolution in 1916—this building still stands exactly as erected. It still blots out the sun from its neighbors, casts deep shadows on the narrow streets around it and disgorges into the subway every night more people than the subways can stand. The zoning resolution which grew out of the threat posed by the Equitable Building has been amended thousands of times. The Equitable Building will never be amended.

I do not agree with those who criticize the present zoning resolution simply because it has often been amended. I expect that the new one will often be amended. The question before us is not whether we should wait to adopt a zoning resolution until we have found one which in our wisdom of today, we think of as incapable of further amendment. The question is rather which affords a better basic law with which to guide the development of New York in the future—the present zoning law or your new proposal. The answer is so obviously in favor of the resolution which you have proposed, that I urge on you the promptest action to adopt it.

NEW YORK UNIVERSITY, Dr. Carroll V. Newsom

Educational institutions in metropolitan New York will be called upon in the years just ahead to serve an increasing number of students. To meet the demands, considerable expansion of facilities will be necessary. Such expansion ought to be made in a way that will add to the architectural beauty and utility of the colleges' environments.

Obviously, obsolete regulations in zoning will be a handicap to the colleges as well as to other types of institutions and businesses. We urge therefore that careful consideration be given to potential zoning improvements. New York citizens deserve the best that can be provided.

DAY CARE COUNCIL OF NEW YORK, Mrs. Randolph Guggenheimer

I am speaking as President of the Day Care Council which has 117 units in all five boroughs of this city—as well as for the Women's Division of the Committee for Modern Zoning.

I believe that the City is morally bound to adopt the proposed modern zoning resolution for the welfare of its residents, and that failure to procure such adoption will betray New York City residents and their children.

Mr. Chairman, I am deeply troubled because there has been no basic pattern that has enabled us to plan the important health, education, and welfare services that are needed in this City. A city must operate for the welfare of the majority of its citizens, not for the profit of a few—and the most important of its citizens, if it is to have a future to all, are the children.

How can we design the day care centers to care for those whose mothers can't be home during the day, the schools to educate our young people, the parks and recreation centers, the open space that will allow

them to grow up in a city where they can see the sky occasionally, or play with safety, or just grow up in the kind of environment we all want for them if we have no basic sensible pattern that projects the future complexion of a neighborhood? We already have the unpleasant and uneconomic demonstration of under-utilized schools in our areas and schools operating on triple sessions in others. We surely already have enough sardine-packed overcrowding, with children playing on streets where exposure to the worst influences and where traffic hazards and where hopeless recreation conditions exist.

We already have a traffic problem in many areas that is crippling. What seems obvious is that we have a horse and buggy zoning resolution from 1916 which is, in one way, peculiarly appropriate because our high powered modern automobiles move at less than horse and buggy speeds through some of our important business sections—and that too represents an appalling hazard—ambulances and fire equipment and doctors conveyances and other emergency vehicles have impossible obstacle courses to run.

The Zoning Resolution proposed by the City Planning Commission is the best thing that could happen to New York City. It allows us to plan for schools and welfare services such as day care centers without the fear that they quickly will become obsolete. It provides for more light, air and space and encourages the development of parks and plazas. It also goes a long way towards solving the city's traffic problem which becomes more intolerable each year and which, worst of all, is a growing threat to the lives of children.

If it is not the final answer to all our problems, it is at least the underlying framework which must be built before answers can be found for the sake of the too often neglected child, and for the sake of the average citizen.

We are grateful to the City Planning Commission for proposing to make our city a better one for us all to live in.

LATHROP DOUGLASS

Architect

518 Fifth Avenue

New York City 36

March 15, 1960

It is a sad phenomenon to see a small group of short sighted and sometimes selfish men using every type of confusing and delaying tactic in the book to defeat the new zoning resolution. This group apparently wants to perpetuate a zoning law enacted in 1916, just 44 years ago, even before most of the inhabitants of our City were born—almost before the advent of the automobile itself.

Under these circumstances and as a conscientious citizen I must speak out.

Society no longer permits the peddling of dope; or the sale of liquor to minors; or the holding of slaves. But those practices can still be commercially justified.

The City has a right to outlaw slum conditions which result in degradation of citizens; a right to protect our stores and commercial developments from being overwhelmed in a sea of blighted neighborhoods; also a right to legislate so that we can have more open space—in the way, for instance, the Owners of the Seagram Building, Lever House, and Rockefeller Center have provided it. The Owners of these buildings succeeded in establishing human, aesthetic and economic values in spite of the existing zoning laws. But these examples, alas, are the exception rather than the rule.

Even the most ignorant person can see that traffic congestion, overcrowding and economic blight are on the increase. The U.S. Census reports show clearly that New York City is steadily losing ground as a commercial and retail center in comparison with its suburbs and other cities. Wanamaker has already gone from the Manhattan scene, so also has McCreery's; and Namm's

from Brooklyn. What great retail stores will give up next? The crowding in of more and more people and its resultant confusion will not arrest this trend.

As an architect who has had the privilege of planning many office buildings and regional shopping centers in other states and foreign countries, as well as here, I have had the unusual opportunity of seeing what other important cities are doing in order to plan ahead and safeguard their future values. Across the nation, intelligent and far sighted men in real estate and in investment building are making good return on their money, while at the same time contributing something positive to the comfort and to the living of the people in the communities they serve and in which they do business.

Why should New York City almost alone continue to endorse such outmoded practices as ribbon commercial developments, wedding cakes for office buildings, intolerable conditions of parking and of traffic, the blight of once famous neighborhoods such as Riverside Drive?

The major purpose of the new zoning is to insure the orderly development of the City so that it will become a more desirable and attractive place in which to live and to do business. To me, this is the road to future values. To me, it is the only way to property values which will continue through the years to provide the taxes to run our schools, our parks and hospitals.

No architect worthy of his profession should stand idly by and through inaction let present conditions continue and grow worse. I am proud to see such fellow architects as Max Abromovitz, Arthur Holden, Morris Ketchum, Stanley Sharpe, Francis Kealey, Walt Severinghaus, all stand up to be counted.

A terrible railroad accident on Park Avenue ushered in new safety laws. A tragic fire with serious loss of life shocked New York into the realization that factory conditions are the concern of all the people not just the building owners. I do not believe that we will have to wait for some flagrant example of disregard of human life or greed to bring about a reform so obviously needed as that of zoning. But can we stand idly by while men of purely selfish interests join hands with men of myopic vision to tie the greatest city of the world into a knot, an impasse of inaction?

The Commission which you head has already gone through 800 meetings and conferences with individuals and groups. It has worked with and adopted many of the ideas of public spir-

ited groups including our New York Chapter of the A.I.A. whose hard working and responsible members such as Armand Gurney, Simon Brines, Milton Glass have spent weeks of study on the problem. They support the cause regardless of minor discrepancies and unimportant complications of the new proposal.

I fully believe the thoughtful and intelligent men in real estate also are as conscious of the need for new zoning as are the architects and planners who have already come forward to support this cause. I feel confident that they, too, feel that in the long run property values, as well as human values will be enhanced, and that a prospering and orderly developing community can far better meet its obligations to furnish schools and parks and hospitals.

As citizens of New York, all of us without an exemption have an obligation to our children and our children's children.

How can we let this great opportunity go by default and find ourselves in slow decay under the aegis of a law promulgated at a time almost before that of the automobile itself.

With admiration and respect for the great service you are performing, I am

Very sincerely yours,
Lathrop Douglass, F.A.I.A.

NEW YORK REGIONAL CHAPTER, AMERICAN INSTITUTE OF PLANNERS, Aaron L. Benjamin

The New York Regional Chapter of the American Institute of Planners last April expressed its approval of the proposal for the rezoning of the City of New York as submitted to the Commission by the consulting firm of Voorhees, Walker, Smith & Smith. At that time, the members of the Chapter, the majority of which are actively engaged in city and regional planning in the New York metropolitan area, recognized the pressing need for a complete revision and modernization of the Zoning Resolution of the City of New York. During the months which followed, members of the Chapter have reviewed various aspects of the proposed resolution and have contributed to the formulation of specific recommendations by other professional and civic organizations, of which they are also members. It is not our intention to discuss any specific text provisions of the proposal at this time, but rather to comment on the potential effectiveness of the proposal in providing sound planning concepts within the City.

Speaking for itself, however, the Chapter wishes to commend the Planning Commission for the thorough way in which it has solicited the views of all parties concerned during the months following the introduction of the zoning proposal. We also commend you for the way you have integrated the thinking of these groups into the zoning proposal which you released in December, 1959.

The Planning Commission has recognized that the original zoning resolution, with its many amendments, now constitutes a cumbersome and inadequate medium for guiding the City's growth. The advances which have taken place in the techniques of zoning require that a thorough overhaul of the entire structure of the zoning resolution is necessary.

It is our belief that the present form of Proposed Zoning Ordinance, when adopted, will provide a rational framework for the future development of New York City by allowing the architect, the builder, the developer and the investor more latitude in the exercise of their activities, while at the same time fostering the development of sound municipal growth.

We wish particularly to commend the form of the proposed resolution. The introduction of charts, tables and diagrams; the use of clear,

concise language; the use of a single map instead of the present complicated system, and other advances in the form of the resolution, all tend to simplify what by its nature must be a very complicated document.

The changes which have been incorporated into your zoning proposal of December, 1959 should dispel most of the reasonable objections that were raised against the consultant's proposal of last April. There is no question in our minds that the proposal in its present form will do much to bring about the achievement of very desirable planning goals. For example, the proposal will achieve greater control over population density and result in a rational distribution of new population as well as a better redistribution of existing population. The proposal will further encourage the development of open space so essential to good municipal development. It will tend to relieve traffic congestion, improve circulation and provide for adequate off-street parking facilities, where such facilities are desirable and necessary. The reduction of building coverage will result in the provision of more adequate light and air for all types of building use. Furthermore, the general distribution of potential land uses throughout the various sections of the city is sound and provides for the logical grouping of compatible uses. The establishment of performance standards encourages desirable industrial development by giving high performance industry a wider choice of sites while offering surrounding development measurable protection. Finally, the setting up of procedures by which non-conforming uses can be gradually eliminated is a further progressive step. Such devices as the sky exposure plane, F. A. R. controls, the plaza bonus, open space ratio will all encourage more flexible design and better overall planning.

It is our belief that the new concept of zoning as presented in the proposed ordinance is based on effective land-use planning and that it will enhance the development of New York City as a commercial, civic and cultural center as well as its residential, commercial and industrial growth. In conclusion, we wish to express the hope that passage of the new ordinance will be expedited so that it can be put into effect as soon as possible.

LOWER EASTSIDE NEIGHBORHOOD ASSOCIATION, Geoffrey R. Wiener

I am Executive Director of Hamilton Madison House, a settlement house here in the lower east side and I'm appearing today as co-chairman of the housing division of the Lower Eastside Neighborhood Association. We are appearing in strong support of the proposed comprehensive amendment of the zoning resolution and we compliment the Commission on its development.

The Lower East Side Neighborhood Association, which I represent here today, is a citizen self-help organization with a membership of more than 1,000 individuals and more than 90 public and private civic organizations on the Lower East Side.

We intend to be back on March 22 with specific recommendations for minor modifications to the proposal in relation to the maps for the lower East Side. We bring here today a different kind of expertise to this hearing than that represented by many of the civic groups who have appeared before you. For five years now, both through the divisions of the Association and its constituent neighborhood councils, our neighbors have striven to make order out of chaos in planning ahead for the rebuilding of their community. During this period we have all become acutely conscious of the confusion which results from an outdated zoning resolution and from the lack of any master plan. Though it may be that the plan should precede the resolution, it is quite obvious that this will not happen in New York City, and we therefore welcome the most progressive zoning resolution yet developed for any city in our country.

We know from our neighbors what it means to have rootless neighborhoods, isolated public or private housing communities and manufacturing, warehouse and commercial establishments interspersed with dwellings. As we have developed plans for portions of the Lower East Side, we have experienced frustration in being unable to implement them, despite interest and encouragement from every city department with its finger in the planning and housing pie, including the City Planning Commission. As public, private and commercial interests developed their plans independently of our community, they have experienced great antagonism and resistance on the part of citizens who were not involved and who are doomed to suffer because of this unilateral mode of operation.

The zoning resolution under consideration today not only lets new light into our streets and homes but also into the minds of men who will be responsible for planning the future of the City. We look forward to the prompt enactment of the resolution since it represents current best thinking for land use and promises to halt the downward spiral which has plagued our City for several decades. Thank you very much.

MAR 15 1960

COUNT ME AMONG THOSE WHO FULLY SUPPORT YOUR
PROPOSED NEW ZONING REGULATIONS. YOU HAVE
DONE A MOST CAREFULLY CONSIDERED AND OUT-
STANDING JOB AND ALL FORWARD LOOKING CITIZENS
INTERESTED IN THE CITY'S GROWTH WILL SUPPORT
YOU

PETER GRIMM

Raphael H. Courland, *Architect*

In addition to normal architectural and engineering practice I have been interested in city planning for some years past. Having examined the Proposed Comprehensive Amendment of the Zoning Resolution, I take this opportunity to express my whole-hearted approval and support of it.

Of its many excellent features, a most significant one to me is the means inherent to conserve the basics of city planning thru Land Use.

Land coverage, density of occupancy, building bulk, parking, contiguity of buildings, contiguity of diverse uses, in this Proposed Amendment, are all linked to the ultimate use of municipal services and the density of population; and these linkages are guarded by means of permissive provisions for land use. These provisions are expressed in terms of specifically permitted uses only.

Conversely, in the present zoning resolution, land use is expressed by means of prohibitive provisions. This results in evasion of the initial intent of the resolution by encouraging the consideration of any means which will circumvent the stipulated prohibitions as they are construed in their narrowest sense. This is especially to be noted in instances of land use of a type unforeseen when the present resolution was enacted.

City planning, in its broadest sense, is the provision for orderly living in urban areas. It seeks to preserve the amenities of urban life. It strives for a balance in facilities, municipal services and the population which must be served. And it aims for the orderly expansion of all facilities in direct response to the growth of population.

The legal device which implements the plan, channels municipal growth, and safeguards the conception, is the zoning resolution. A zoning resolution which maintains a balance of population density with the concomittant facilities and physical amenities, is achieving the intent of the resolution. On the other hand a zoning resolution which permits imbalances to develop, and which hamstrings corrective action or planning, is denying the intent.

In advocating the Proposed Amendment, I do imply the failure of the present resolution to safeguard the intent underlying the resolution. I do not base this observation upon its enactment in 1916, when so much of the present technology of manufacturing, commerce and trans-

portation was not anticipated; nor do I concern myself with the more than 2,500 amendments to the present resolution, per se.

No human agency, in this very complex field, can anticipate all things. But human agencies can establish the basis for orderly growth, in response to new sociological developments, along principles designed to safeguard the amenities of life, and the balance of municipal service to the population.

To achieve continuing adjustment to continuing social change, modifications of any resolution that may be adopted will be necessary and enacted. But on no account should they be permitted to destroy the sociological intent of the resolution.

The alarming aspect of the present resolution, among other things, is that the evasion of its literal text, to the point of nullification of the concepts and intent underlying that resolution, is the norm. And further, that the numerous variances and amendments reveal a pattern that is inconsistent with planning for ultimate orderly municipal growth.

This is not the consequence of maladministration. Rather is it the consequence of operation under the principle of prohibitive provisions. When the order of the day reads, "Thou shalt not do 'a' and 'b' and 'c'," it follows that anything else may be done with impunity. It then becomes immaterial what the intent of the resolution may have been.

But if we say, "Thou shalt do only 'a' and 'b' and 'c,'" and we set up machinery for the consideration of anything different, subject, however, to the overall conception behind the resolution, we then deal with a legal device which inherently safeguards intent. This is the principle of permissive provisions. And this is basic to the Land Use aspects of the Proposed Amendment. Certainly there will be modifications—a whole paraphernalia of accommodation to sociological change. But the prime conception of the Proposed Amendment, which is the protection of the ultimate public interest, is more completely achieved in; this way than could possibly be achieved by changes in the present resolution.

Therefore, Mr. Chairman, I most respectfully urge the adoption of the Proposed Comprehensive Amendment of the Zoning Resolution.

GREENWICH VILLAGE STUDY GROUP, Stanley B. Tankel

I represent the Greenwich Village Study Group, which is a group of professionals in architecture and city planning and other professionals in Greenwich Village, and I am also Chairman of the Community Planning Committee of the Greenwich Village Association. In these capacities, I want to express my feeling that I think the proposed zoning is a very wonderful thing for our community of Greenwich Village.

I am also a city planner who has studied the resolution for its effect on the entire City of New York, and in this capacity I'd like to register my opinion that the proposed resolution would be a boon to all of the City's communities and not just Greenwich Village.

Blight and deterioration are bound to be hastened if this resolution is not adopted. Finally, I'm here as a property owner whose bulk will be restricted by the proposed resolution. When this resolution is adopted by the Board of Estimate this spring, I promise that I will write you a letter of thanks for restricting my right to "ruin" my own property values. The reason I'll thank you is that you are proposing at long last to make decent standards of light and air and open space in our town. How else can you preserve real estate values?

There is a close relationship to good living and working conditions and the value of property. It needn't be labored; it is proven readily by the fact that 85% of all the buildings constructed since World War II according to your studies, are in conformity with the standards proposed in the zoning resolution. Our own community has had the bad luck to be the site of a few of the substandard 15% which remain. I have been inside some of these modern slums. It is the City's duty to protect us from this gluttony of light and air, which was the way it was so aptly phrased by a previous speaker.

There is no question in my mind that the vast majority of New Yorkers want a better City and will not be tyrannized or diverted from this objective by the irresponsible, self-defeating, though perhaps noisy efforts of the small minority.

This proposed resolution is vital to New York's future. It will insure this future as now written and mapped without any if's, and's, but's, or

qualifications. You have bent over backwards to accommodate objections up to now over the past year or more. I urge you to press for the immediate adoption of this resolution. Thank you.

Orrin G. Judd, *Attorney*

I speak as Chairman of the Lawyers Committee of the Committee For Modern Zoning, but I have more than one concern as I appear here. As a lawyer, I have dealt with problems of mortgages and sales and leases and have seen some of the real estate and zoning problems that effect the City today. As a citizen who has lived for fifty-three years in Brooklyn, and expects to continue to live there and see it grow, I have a concern for the creation of the climate of modern urban renewal and city living that I think the new zoning resolution may permit which is very difficult under the old zoning resolution. I am one of the owners of an apartment house in Brooklyn and I face some of the problems that zoning and regulations require, and I think I can take a practical attitude. I am a trustee of a church which is across the street from a Title I Urban Renewal Project which is surrounded by deteriorating, converted, brownstone dwellings. They are one of the unfortunate monuments of the past, and probably before there was any zoning resolution, but which also were affected by the inadequacies of the 1916 zoning resolution as now amended.

I am a trustee of a school. I appeared in Brooklyn before a committee of this board on behalf of the Hill Laymen Civic Association, which represents a group of men in eight different churches in the Hill area in the central part of Brooklyn. We are concerned in that connection, and I think I can speak wearing all the different hats that I sometimes wear, urging strongly the adoption of this resolution.

We have been hearing a great deal in the newspapers and the public press and radio and television, about the need for revision of the City Charter which is only half as old as our Zoning Resolution. Perhaps there is more general public concern about the City Charter, but the zoning resolution, just as truly, affects the lives of everyone in New York.

I think the proposed amended zoning, the resolution that is pres-

ently before your body, contains the means to improve conditions in New York City. We are now not only a great management center, but we are the governmental capital of the world, with the United Nations here in our midst.

We must furnish an example, looking forward to the improvement of living conditions, to attract and continue to hold in New York, the middle-income groups who have been escaping to the suburbs and yet who are the key to prosperity and to sound government in New York City.

The provision for lower density of housing, which is one of the key thoughts in the proposed amended zoning resolution, I think should help stem the flight to the suburbs. Rows and rows of apartment houses are not conducive to gracious living. We now have requirements for open spaces in public housing. I think there should be some open spaces provided for those who live in private housing, and provided as part of the cost of that construction, and not simply by the City having to tax all people for additional park space and open space.

It may be that the amended zoning resolution will restrict some increases in land value, but I don't think anybody has a vested right to potential increase in land value that may be based on the creation of congestion, and that is what the present zoning ordinance permits.

As a citizen I am also concerned with the industrial life of our City, and you just have to look around at the factories in the suburbs to realize that it takes a different kind of land use, and that a different effect on the area is created by factories today from the factories that were built in 1916, or in 1912, when the 1916 zoning ordinance was under consideration.

The amended zoning ordinance should not only improve the residential amenities in New York, but I think it is designed to promote the bringing to New York City of industry under conditions where it can flourish and where we can compete with the attractions some suburban sites have for both manufacturing and office use.

Of course, one of the things that affects me, and I hope affects many people who are concerned with the zoning resolution, is the experience and integrity of the Chairman of the Commission, and I hope that I may be permitted just to say that Chairman Felt has given himself wholeheartedly to the welfare of the City of New York. The people should be grateful for the energy that he has brought to the development of this zoning resolution. One of his jobs is that of a member of the Clearance Committee, and I will have to admit that at the present time, we can scarcely clear slums as fast as they are created.

The amended rezoning resolution will stop the promotion of new

slums by governmental regulation, and I hope it may be adopted by this Commission and forwarded to the Board of Estimate and that it will have their approval.

GLICKMAN CORPORATION

565 Fifth Avenue

New York 17, N. Y.

April 12, 1960

Since the adoption of the present zoning code some forty-four years ago, our city has evolved as the foremost metropolis of the world. For more than thirty of those years I have, in some measure, participated in its growth as a realtor, builder and investor.

During the years, however, I have also witnessed the physical abominations associated with the growth of the city. If our city is to continue to grow and prosper in its maturity, the mistakes of the past must be avoided in the future.

The proposed zoning resolution, in its broad perspective, is designed to achieve this prime objective. It must therefore be given every opportunity to control the pattern of the city's further development in accordance with its basic concepts.

I am not unmindful of the substantial economic issue involved in the restrictions on the use of land and the bulk of structures under the proposed code. But aren't these restrictions the guts and marrow of the resolution? To tamper with these concepts by fundamental deviations and modifications is to frustrate its purpose and blunt its objective.

As real and as grave as this issue may appear, I am confident that the resiliency and ingenuity of our real estate industry will enable it to meet this economic obstacle. Rising land and construction costs, having the same kind of effect as the proposed restrictions, have threatened the industry for decades. Yet the industry has met the challenge time and time again and it has prospered nevertheless.

Zoning is not for buildings, it's for people. City and regional planning is not for property, it's for people. Serving the people properly makes our city a better place in which to live, to work and to invest. In the long run, the proposed resolution will enhance the real value of all property in the city. This is sound real estate practice and good business and merits the wholehearted support of the industry.

Cordially yours,
Louis J. Glickman
President

THE NEW YORK ACADEMY OF MEDICINE

2 East 103rd Street

New York 29, N. Y.

April 11, 1960

The New York Academy of Medicine approves the proposed Modern Zoning Resolution which has been prepared by the City Planning Commission.

It is gratifying to learn from an analysis of the Resolution by the Committee on Modern Zoning that in making provision for commercial, industrial, educational and residential convenience, the City Planning Commission has taken cognizance of the elements of urban living that are vital to health.

During the past fifty years the Academy through its Committee on Public Health has from time to time urged action on such environmental matters as poor housing and air pollution.

In its Report on Housing issued in 1954 the Academy reviewed the evidence on overcrowding and its effects on health, unsanitary conditions as indicated by health violations, and cellar occupancy. It was pointed out that children were the chief sufferers. The report stated: "There can be no reasonable doubt that lack of suitable space even for eating and sleeping,

much less for the amenities of life, will hinder a child's physical and mental development." Proposals of the City Planning Commission at that time were included in the report. Further recognition of the need for planning is found in the second recommendation of the Academy's report: "Groups and individuals responsible for large-scale planning should make provision for well-rounded, normal communities; that is, they should plan homes for families of various sizes and for persons of all ages, and should see that the necessary community facilities (such as schools, stores, banks, churches and transportation) are available." Emphasis was placed upon the relation of health to housing.

The Committee on Public Health's several reports on air pollution have repeatedly pointed out the need for abatement of the smoke and dust that daily leave heavy deposits on the city's buildings. In its most recent report the Committee declared "that unusual circumstances of meteorology and terrain could conceivably lead to a local acute air pollution episode. Of greater general significance, urban air pollution, though probably not a major source of disease, may be a significant contributor to chronic disease in the case of lung cancer and possibly as an additional burden for those with respiratory and cardiac disease. There is growing evidence to support the former while the latter is still largely inferential. . . . Although there are large areas of uncertainty, the conclusions just summarized are of sufficient weight to support vigorous corrective efforts. The present situation is not good; if nothing is done it will inevitably become worse."

The proposed Modern Zoning Resolution promises improvement in both these conditions. The Academy applauds the principles of design and building contained in it. They should alleviate the overcrowded and unsanitary conditions in which thousands of persons still live even after an unprecedented era of construction. The Academy believes that the new zoning plan will also help to reduce the hazard as well as the nuisance created by the pollution of the air over the City of New York.

The New York Academy of Medicine strongly supports the proposed Modern Zoning Resolution and urges its early adoption.

Very sincerely yours,
Robert L. Levy, M.D.
President

THE CLASSIS OF NEW YORK

The Reformed Church in America

March 31, 1960

The following statement was voted unanimously by the Reverend Classis of New York in their Stated Session on March 15, 1960: "The Classis of New York of the Reformed Church in America, enjoying in our metropolitan area the longest uninterrupted history of any Christian Communion in our country, expresses itself as a fellowship of people who have a deep concern for those forces in the life of our city which affect the welfare of all its people.

"We believe that one of these forces today which effects the life of our city in a detrimental way is the inadequate zoning regulation. We are convinced that a zoning plan based on the life and development of our city in 1916 can no longer be a constructive element in a growing and changing urban area.

"Therefore, in principle and direction we heartily favor the work and proposals of the City Planning Commission. We believe this is an historic attempt to provide a master plan to meet the total impact of our modern expansion, thereby abandoning the short-sighted approach under which we now labor.

"We are happy for the attempt of the Commission to provide for a balanced city, with a view towards the comfort of those who make a life in the city as well as those who make a living in the city, and with a consideration for stable industry and manufacturing as well as the necessity for adequate facilities to accommodate the needs of millions of workers.

"We commend the Commission for their achievements and look forward to the implementation of these proposals in the life of our great city."

Attest,
Donald J. Bruggink
Stated Clerk

APPENDIX A

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK
42 WEST 44TH STREET

The City Planning Commission's Proposal for a
New Zoning Resolution

A REPORT OF THE
COMMITTEE ON REAL PROPERTY LAW

The Committee herewith presents its report on the City Planning Commission's "Proposed Comprehensive Amendment of the Zoning Resolution of the City of New York" (the "Proposed Resolution").

The Committee approves the Proposed Resolution and recommends its adoption.

*SUMMARY OF COMMITTEE'S FINDINGS AND
RECOMMENDATIONS*

The Zoning Resolution adopted by New York City in 1916 was a pioneering achievement. It coupled the regulation of use with the regulation of height and area of buildings, and thus checked the mushroom growth of incompatible uses and prevented the central part of the City from becoming a tangle of dark and airless canyons. This epoch-making enactment provided an example for countless cities throughout the country.

However, since its adoption the Zoning Resolution has not been completely revised, despite the many changes in the face and flow of the City and despite the example, this time provided by other cities, of other zoning ordinances incorporating newly developed zoning conceptions and techniques. Instead these years have witnessed patchwork amend-

ment to the maps and text—more than 2,500 in fact—in an attempt to keep the Resolution reasonably adaptable to the City's zoning needs.

The Proposed Resolution is a complete and comprehensive revision of the Zoning Resolution, and the City is now confronted with the urgent choice between a new fully integrated Resolution and continued piecemeal amendment of the existing Resolution.

The major conclusions of the Committee are these:

1. We find that the present Zoning Resolution is outmoded and does not adequately provide for the needs of the City of New York. Its basic failing is that it lacks a comprehensive concept of rational land use for the City as a whole. As a result it cannot furnish proper zoning guidance for the mature but still dynamic City. We further find that the present Zoning Resolution cannot be adequately modernized by piecemeal amendment.

2. We find that the basic structure of the Proposed Resolution is not subject to the foregoing objections. It incorporates modern zoning conceptions which have been adopted in numerous other cities. By and large it provides a comprehensive, ingenious and flexible instrument to assist in guiding the future growth and development of the City.

3. We also believe that if the Proposed Resolution is not adopted, no other attempt to adopt comprehensive zoning is likely to be made for many years to come. The sustained effort and large expense that resulted in the Proposed Resolution would not be duplicated if the Proposed Resolution is defeated. Accordingly, we believe that it is urgently necessary to support the Proposed Resolution now.

The Committee recommends the approval of the Proposed Resolution.

A more detailed discussion follows.

I—THE PRESENT ZONING RESOLUTION

The present Zoning Resolution comprises a zoning text containing provisions regulating the uses of land and the height and area of buildings plus three maps of the City in which property is separately classified by use district, height district and area district.

Deficiencies of Substance

Some of the present Zoning Resolution's deficiencies of substance include the following:

1. Full utilization of the present Resolution would result in a city of about 55 million residents and 250 million workers. A total city pat-

tern so far from the recognizable City of today and of the future is not capable of rationally controlling land development.

2. There is a complete absence of control over uses in "unrestricted" districts and there are far too many such districts designated throughout the City on the zoning maps. On the one hand, this has led to the location of residences in such districts, thus wasting and pre-empting sites that should have been devoted to industry. On the other hand, it has permitted the worst types of noxious uses in many cases in close proximity to homes.

3. The present use districts do not adequately provide for the logical grouping of compatible uses, as is the case with business districts that permit manufacturing and warehousing, and manufacturing districts which are essentially business classifications.

4. Direct control of bulk is provided in only a fraction of the zoning districts; others have indirect controls (i.e., the result of combined height and area district regulations) where the effects tend to be too restrictive and to vary widely because of such accidental factors as district combinations and the size and location of lots.

5. The Resolution is still largely related to lot-by-lot development, a valid image of the City 40 or more years ago but a hindrance to modern large-scale developments in which individual lot lines have little relevance.

6. There is inadequate provision, because of the structure of the text and the maps of the present Resolution, for non-residential parking requirements, a crucial factor for the modern city.

Deficiencies of Form

Because the present Resolution has grown like "Topsy" it is at once over-simplified and over-complicated. The form and organization of the Resolution as a whole is confused and confusing. Where the text is simply stated there is, in various instances, a sacrifice of content. In some cases, on the other hand, the wording is so complicated as to be virtually incomprehensible. The use of three sets of maps is cumbersome and unnecessary.

The Question of Piecemeal Amendment

If the present Resolution is basically inadequate and outmoded—and there is widespread agreement that it is—the question of revision is essentially one of technique. Should we continue with our attempts to patch up a Resolution for conditions for which it was never intended or should we, as most other cities have done whose zoning ordinances date back to the 1920's, substitute a new and fully-integrated Resolution?

Our own experience is the best answer. Despite the more than 2,500 amendments to text and maps, the present Resolution is still inadequate and obsolete. At this point, it is wholly unrealistic to expect that the process of piecemeal amendment will produce different results in the future than in the past.

Lacking a comprehensive concept of rational land use for the City as a whole, the present Resolution contains a built-in major failing that must defeat all attempts at piecemeal correction. Extensive remapping on the basis of an outworn text can lead only to distortion and unforeseen and inconsistently onerous results. Extensive amendment of the text in accordance with contemporary zoning conceptions without corresponding integration with the map would be pointless.

We think there can be no serious question but that the time has come for a complete revision of the Zoning Resolution and an abandonment of the self-defeating process of patchwork amendment which after more than 40 years has left us still with an outmoded, cumbersome and inadequate instrument to guide the development of the City.

II—THE PROPOSED RESOLUTION

Background

The proposed Resolution is the second serious City-sponsored effort in recent years to formulate comprehensive rezoning. The first was "The Plan for Rezoning" published in 1951 which had been prepared by outside consultants engaged by the City. The 1951 Plan was approved in principle, with some reservations, by a Special Committee of this Association, whose report was adopted by the Association on January 19, 1954. However, the 1951 Plan was never brought to the action stage by City officials.

In September 1956 the City Planning Commission retained the architectural firm of Voorhees, Walker, Smith & Smith (the "Consultants") to make the appropriate studies and to draft a comprehensive zoning proposal to replace the present ordinance. After more than two years of study the Consultants' proposal was made public in February 1959. The Planning Commission then held a series of informal hearings on the proposal and also consulted various groups having a special interest in zoning, including architects, civic associations, real estate boards and this Committee. (This Committee, at the Planning Commission's request, submitted a written report to the Commission on the proposal.) On December 21, 1959 the Planning Commission presented the Proposed Resolution, which represents the Planning Commission's own revision of

the Consultants' proposal. Although the Planning Commission made numerous changes in the Consultants' proposal, the Proposed Resolution retains the essential features of the proposal. The Proposed Resolution will be the subject of public hearings to be held by the Planning Commission during March 1960.

This Committee is pleased to report that many of its suggestions concerning the Consultants' proposal were adopted by the Planning Commission when it formulated the Proposed Resolution. Thus, the Planning Commission adopted the following recommendations of this Committee: (a) deleted all provisions concerning a Zoning Administrator, with rule-making power, to enforce the Zoning Resolution; enforcement will remain with the Department of Buildings and rule-making power with the Board of Standards and Appeals; (b) required findings in all determinations by the Board of Standards and Appeals on applications for variances or special permits; (c) changed the judicial doctrine barring a purchaser with knowledge of the zoning regulations from applying for a variance in cases of practical difficulties and unnecessary hardship; (d) deleted the Consultants' requirement of publication in a newspaper, in addition to City Record publication, of proposed zoning changes initiated by the Planning Commission; and (e) redrafted various provisions to clarify standards and procedures.

Scope

The Proposed Resolution is based upon a conceivable image of the future City. The New York City which we know today is characterized more by population shifts than by the vast population increases of the past. Its 1957 population of 7,870,000 is expected to grow to 8,340,000 by 1975. The Proposed Resolution would permit building construction to accommodate a population within the City of 11,830,000 and thus allow for changes in trends and future growth.

The Proposed Resolution provides for a single-map system, permitting 62 types of zoning districts for the entire City compared to the three-map system of the present Resolution under which 286 combinations of use, height and area districts are actually mapped and under which more than 1,000 combinations are possible.

The major controls relied upon in the Proposed Resolution relate to use, bulk and intensity of development and parking. Parking is thus made an integral part of the new zoning.

The Proposed Resolution is admittedly neither simple nor brief. It is a document containing over 300,000 words and numerous tables and illustrations. Yet because of the manner in which it has been organized, it is not difficult to use.

Use Regulations

The Proposed Resolution adopts the principle of permissive listing of uses. All uses which are permissible in a district are listed as permitted uses and no others are allowed. This protects the City against the loopholes which develop in prohibitive listing and has the advantage of clarity for persons using the Resolution. If a use is overlooked or subsequently comes into being as a result of technology, it may be added as a permissive use by amendment in the districts where it is appropriate.

The Proposed Resolution provides for 13 use districts: 2 Residential, 8 Commercial and 3 Manufacturing.

The Manufacturing districts also embody the modern principle of "performance standards" which involve the establishment of measurable standards in 8 aspects of potential industrial nuisances, such as noise, odors, vibration, etc. Different levels of performance are established for each of the 3 Manufacturing districts. The purpose of this technique is to prevent the development of nuisances where they may be harmful to their neighbors and to the community and also to permit industries, which can comply with the stated standards in each type of district, an opportunity to locate there. Thus an industry classified as belonging in Manufacturing 2 or Manufacturing 3 districts can locate in Manufacturing 1 if it qualifies under all the higher district standards.

Apart from the use districts and the performance standards, the uses permissible in each of the 13 different use districts are stated in terms of 18 "use groups." The uses listed in each of these groups have either common characteristics or common functional relationships. This permits a desirable flexibility as to the purposes and characteristics of each district, which is unattainable under the present Resolution.

A relatively small number of uses are given special treatment. These are uses such as bus stations, race tracks, children's amusement parks, etc. which require the granting of a special permit, after the making of specified findings, by either the Board of Standards and Appeals or the City Planning Commission before such uses can be located in specified districts. Each of these uses has certain characteristics which makes such special consideration desirable—those involving significant planning issues being assigned to the Planning Commission and the rest to the Board of Standards and Appeals.

A notable feature in connection with the power of the Board of Standards and Appeals to grant variances and special permits is the absence of a counterpart to Section 7(e) of the present Resolution, which permits the Board to grant variances for a stated term of years for "buildings and uses not in conformity with the requirements of this article."

This blanket authority is eliminated and the Proposed Resolution specifically enumerates the uses which the Board may permit in various districts subject to the making of findings. We approve of the elimination of the blank check type of authority to grant all types of variances on the ground that it would lead to the dilution of the Resolution.

The Proposed Resolution also provides that in Residence districts certain present non-conforming uses must terminate at the end of specified periods, and further restricts the restoration of non-conforming uses after damage or destruction to a certain prescribed extent. The validity of these provisions is discussed later in this report.

Bulk Controls

The Proposed Resolution provides for direct control of bulk and density instead of the present Resolution's indirect controls arrived at by a combination of height and area regulations. The bulk controls are designed to regulate (a) the over-all bulk or density allowable on a particular zoning lot, and (b) the disposition of this bulk within the confines of the zoning lot.

The control of over-all density of development applies to all districts without exception. This is the floor area ratio which is already in use in several, but not all, of the area districts of the present Resolution. If this were the only over-all density control in Residence Districts there might be an unwarranted increased density as a result of building small dwelling units in order to get as many units as possible within the specified floor area. The Proposed Resolution, therefore, provides additional regulations for Residence Districts specifying a certain lot area for each room, varying with the number of rooms in the apartment. The purpose of this direct control of population density is to make possible intelligent planning for schools and other community facilities.

A novel concept in this regard is the use of bonuses to encourage the builder to leave open space on his lot at the street level. For every unit of ground space left open, several additional units of floor space beyond the normal maximum may be added.

Flexibility within the limits of adequate provision for light and air is also intended in the provisions for controls over the shape of buildings and their location on the lot. These provisions are intended to permit a wider choice in the disposition of the allowable building bulk than presently exist.

The hope is that the bulk controls will properly control population density and at the same time permit flexibility of design and contribute to economical construction.

Parking

The Proposed Resolution recognizes that the automobile has added a new dimension to city life and that provision for parking must be considered as an essential element of the modern zoning resolution. Since 1950 the present Resolution has had fairly effective requirements for off-street parking for residential buildings. However, all efforts to introduce parking requirements for non-residential buildings have failed, largely because parking requirements were not contemplated initially and the present Resolution does not lend itself to amendment for this purpose.

The Proposed Resolution, generally speaking, requires all buildings in all districts to provide the needed amount of off-street parking, except for Manhattan south of 110th Street and downtown Brooklyn. The Proposed Resolution increases in some instances the required parking for Residential Districts over that provided in the present Resolution, and introduces parking requirements for commercial and industrial areas.

III—LEGAL QUESTIONS

A. NON-CONFORMING USES

1. *Termination*

The treatment of non-conforming uses is one of the most difficult problems in zoning. Such non-conformity is generally recognized as one of the chief causes of blight, congestion and slums. However, the efforts to eliminate non-conforming uses inevitably collide with powerful pressures to preserve existing investments.

The early hope was that the non-conforming use would simply disappear over the course of time because its incompatibility with its neighboring uses and structures would make its continuance economically unprofitable. In fact, the non-conforming use rarely disappears by voluntary abandonment and indeed provisions similar to Section 6 of the present Resolution, which protects non-conforming uses, have, in many instances, unintentionally granted monopoly rights by excluding competitors from the area.

To mitigate the effects of non-conforming uses, many recent zoning ordinances have provided for the elimination of the worst types of such uses after prescribed periods which would permit the amortization of the owner's investment. The Proposed Resolution includes provisions of this "amortization" type designed to deal only with the most damaging cases, i.e., manufacturing and related uses in Residence Districts.

The attitude of the New York Court of Appeals which is discernible from *Harbison v. City of Buffalo*, 4 N.Y. 2d 553 (1958), *People v. Miller*, 304 N.Y. 105 (1952), and *Town of Somers v. Camarco*, 308 N.Y. 537 (1955), is on the whole favorable to such amortization, but the cases before it to date have not furnished the real test. One can state with confidence only that non-conforming uses are constitutionally protected unless the loss to the owner resulting from termination is relatively slight and insubstantial. In *People v. Miller*, *supra*, the Court upheld the termination of a pigeon farm. In *Somers v. Camarco*, *supra*, it held unconstitutional the proposed cessation of a sand and gravel business (involving "substantial" improvements) on one year's notice. In the *Harbison* case, *supra*, it held valid a Buffalo ordinance which required termination of a junkyard use in a residential district within three years, and remanded the case for evidence whether application of the ordinance was reasonable in the facts at bar; the lower court subsequently found that moving its junkyard would cost the petitioners about \$20,000 and that accordingly the ordinance was *not* reasonable as applied there (unreported decision, discussed in 44 Cornell Law Quarterly (1959) 450, 451).

The proponents of amortization of non-conforming uses have been encouraged by the Court of Appeals' opinion in the *Harbison* case not so much for the holding as for the Court's tolerant discussion and its citation, with evident approval, of liberal decisions in other states.

Thus the Court in the *Harbison* case stated as follows (4 N.Y. 2d at 561, 562):

"Leaving aside eminent domain and nuisance, we have often stated in our decisions that the owner of land devoted to a prior nonconforming use, or on which a prior nonconforming structure exists (or has been substantially commenced), has the right to continue such use, but we have never held that this right may continue virtually in perpetuity. Now that we are for the first time squarely faced with the problem as to whether or not this right may be terminated after a reasonable period, during which the owner may have a fair opportunity to amortize his investment and to make future plans, we conclude that it may be, in accordance with the overwhelming weight of authority found in the courts of our sister States, as well as with the textwriters and commentators who have expressed themselves upon the subject. * * * In ascertaining the reasonable period during which an owner of property must be allowed to continue a non-conforming use, a balance must be found between social harm and private injury. We cannot say that a legislative body may not in any case, after consideration of the factors involved, conclude that the termination of a use after a period of time sufficient to allow a property owner an opportunity to amortize his investment and make other plans is a valid method of solving the problem."

The Proposed Resolution would terminate the following non-conforming uses in Residential Districts only, after the expiration of the following time periods:

1. Open uses involving no substantial structures (i.e., structures with a floor area of less than 400 square feet or having an assessed valuation of less than \$2,000) would terminate in 3 years (Section 52-82). This is similar to the regulation upheld by the Court of Appeals in the *Harbison* case.

2. Certain non-conforming uses deemed especially objectionable in Residence Districts, such as coal storage, dumps, auto wrecking establishments, not located within a completely enclosed building or which involve the use of buildings or other structures having an assessed valuation of less than \$20,000 would terminate in 10 years (Section 52-84). This is similar to (1) and is also supported by the "nuisance" doctrine. The longer time period appears to be reasonably related to the somewhat larger investment.

3. Certain non-conforming uses, generally manufacturing or heavy service establishments, located in buildings designed for residential use, would terminate in 10 years (Section 52-85). The lack of substantial investment in plant facilities may in some cases bring this situation, on analysis, close to the conditions in (1) and (2). It would seem that the rationale in the *Harbison* case would be persuasive, if not controlling under such circumstances.

4. Certain non-conforming uses, generally manufacturing or heavy service establishments, located in buildings not designed for residential use would terminate either 25 years after the effective date of the new Resolution or 40 years after the date of issuance of the original Certificate of Occupancy, whichever is later (Section 52-86). If such non-conforming uses are located in a non-residential building which has been enlarged, or is located in two or more buildings, the time periods are based on the date of extension or the building with the longer useful life (Sections 52-861 and 52-862). Upon application, the termination date may be extended by the Board of Standards and Appeals for one term of 3 years (Section 73-33).

The above plan for amortization of non-conforming uses appears to the Committee to be reasonable in most situations, and in our opinion would be valid under New York law as it is presently evolving. We would suggest, however, that the Planning Commission consider the comments made by a Special Committee of this Association on a similar proposal, to the effect that an owner should have an administrative remedy whereby he may be granted an appropriate extension of time in cases where the prescribed period is unreasonable or inadequate. (As previously noted, the Special Committee's Report was adopted by the Association in January, 1954.) The Planning Commission might conclude that in lieu of

Section 73-33, *supra*, which would provide a discretionary three-year grace period, the proposed Resolution should empower the City Planning Commission—not the Board of Standards and Appeals—to act on individual applications for special permits extending the period of amortization, upon a showing of unnecessary hardship and practical difficulties, balanced against the public interest in terminating non-conforming uses.

2. *Restriction on Reconstruction*

Section 25 of the present Resolution provides that:

"Nothing in this resolution shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy or prevent the continuance of the use of such building or part thereof as such use existed at the time of such destruction of such building or part thereof."

The Proposed Resolution represents a departure from the above-quoted provision of the present Resolution. Where a building which is substantially occupied by a non-conforming use is damaged or destroyed "by any means" to the extent of 50% or more of its total floor area, the building may be repaired or incidentally altered, i.e., altered in its non-structural aspects, and the non-conforming use continued, but the building may not be "reconstructed" except for a conforming use (Section 52-621). If "floor area" is an inappropriate measure of the extent of damage or destruction, an application may be made to the Board of Standards and Appeals which may substitute "reconstruction costs" for floor area (Section 52-622).

These provisions are similar to the provisions now not uncommon in modern zoning ordinances which terminate the right to replace a non-conforming use or building if more than a certain per cent of value is destroyed by fire or similar catastrophe. *McQuillin, Municipal Corporations* (3d ed.) Vol. 8, sec. 25.195; *Palazzola v. City of Gulfport*, 211 Miss. 737, 52 So. 2d 611 (1951), upholding a 50% clause.

The New York courts have had occasion to uphold an ordinance providing that a non-conforming building damaged by fire to the extent of more than 75% of its value shall not be repaired except for a conforming use, *Matter of Koeber v. Bedell*, 254 App. Div. 584, 3 N.Y.S. 2d 108 (2d Dept. 1938), *aff'd without opinion*, 280 N.Y. 692 (1939); but the validity of a provision restricting restoration where the damage is less than 75% does not appear to have been litigated in this jurisdiction.

In the opinion of the Committee the proposed 50% provision is reasonable and valid.

3. *Lapse*

Under the present Resolution discontinuance of a non-conforming use terminates the use. But discontinuance is interpreted as abandonment, and as a practical matter the owner may resume the non-conforming use if he shows that he did not intend to abandon it.

The Proposed Resolution substitutes an objective test: the right to a non-conforming use is lost if the use is discontinued for 2 years (except where directly caused by war, strike or a public improvement) and "Intent to resume active operations shall not affect the foregoing." (Section 52-71.)

The social desirability of terminating non-conforming uses appears to have been a factor in the decision in *Franmor Realty Corp. v. Le Boeuf*, 201 Misc. 220, 104 N.Y.S. 2d 247 (Sup. Ct. Nassau 1951), *aff'd* 279 App. Div. 795 (2d Dept. 1952), upholding an ordinance prohibiting resumption of a non-conforming use after a discontinuance of one year. The Court was satisfied that the period of one year was reasonable and, despite proof that the owner did not intend to abandon, refused to permit resumption of the non-conforming use. This decision supports the validity of the provision in the Proposed Resolution making irrelevant intent to resume.

B. PERFORMANCE STANDARDS

One of the most significant features of the Proposed Resolution is the requirement that all uses and structures in Manufacturing Districts comply with specified performance standards. These standards relate to noise, vibration, smoke and dust, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat or glare (Sections 42-21 through 42-28). The standards would vary between M1 (light manufacturing), M2 (medium manufacturing) and M3 (heavy manufacturing) districts. Within 15 years all non-conforming uses in Commercial or M1 districts would have to conform to the performance standards applicable to an M1 district and non-conforming uses in an M2 or M3 district would have to conform to the performance standards for the applicable district (Section 52-51).

In principle and as a legal matter the proposed performance standards would appear to be as unexceptionable as performance standards in a building code. If definitely expressed so that administrative discretion is not unchecked, both are an exercise of the police power and rest for their legal validity on a factual demonstration of reasonableness. The standards proposed represent in the first instance the analysis of the

Consultants which was thoroughly reviewed and in a number of cases modified by the Commission.

Although many counties and municipalities are presently employing performance standards in their zoning ordinances no court decisions specifically addressed to their validity seem to have appeared to date; *cf.*, however, *Newark Milk and Cream Co. v. Township of Parsippany-Troy Hills*, 47 N.J. Super. 306, 135 Atl. 2d 682 (1957), sustaining the constitutionality of a zoning ordinance containing performance standards.

C. THE ISSUANCE OF SPECIAL PERMITS BY THE CITY PLANNING COMMISSION

In the Committee's opinion no substantial question of law is raised by the provisions in the Proposed Resolution which give the City Planning Commission power, subject to the approval of the Board of Estimate, to grant special permits for certain specified uses in zoning districts where such uses would not otherwise be permitted. The special permit uses include amusement establishments such as arenas, drive-in theatres, race-tracks and children's amusement parks, off-street parking establishments, public utility or transportation facilities, including bus stations and airports. Under the present Resolution some of these uses would require a variance from the Board of Standards and Appeals while others, such as large public garages, drive-in theatres, bus stations and airports, already come within the jurisdiction of the Planning Commission. The Proposed Resolution carries forward the recognition that the special permit uses are not exceptions to a general zoning plan but are an integral part of it and that the power to determine whether and where they should be located properly belongs to the Planning Commission.

In the case of each special permit use, the Commission is required to make specified findings and under Sections 74-30 *et seq.* detailed standards applicable to the respective uses are expressed. In the opinion of the Committee the standards set forth in these sections are adequate to guide the Planning Commission and therefore raise no legal problem.

The Committee is untroubled by the not altogether accurate contention that this portion of the Proposed Resolution takes the Planning Commission into a type of zoning activity that it has not thus far carried out. The point has been made that the Planning Commission would be transformed from a solely legislative agency in the field of zoning into an agency that is sometimes legislative, as in the field of amendment, and sometimes administrative, as in the case of special use permits.

In view of the standards set forth in Sections 74-30 *et seq.*, we do not regard the labeling of the Planning Commission's function as significant.

If it is performing a legislative function, the City Planning Commission has all of the freedom of action which the courts have recognized for zoning purposes ever since the *Ambler Realty* case, 272 U.S. 365 (1926); see also, *Nappi v. LaGuardia*, 184 Misc. 775, 55 N.Y. Supp. 2d 80 (Sup. Ct. 1944). If the function is administrative, the standards are quite adequate for the guidance of the City Planning Commission.

Furthermore, there is ample opportunity for judicial review of the actions of the City Planning Commission in granting special permits irrespective of whether such actions are legislative or administrative. If legislative, the actions are reviewable by means of a proceeding for a declaratory judgment alleging unconstitutionality of the zoning legislation itself. If administrative, review can be had by means of a proceeding under Article 78 of the Civil Practice Act.

D. EFFECTIVE DATE—VALIDITY OF PERMITS

The effective date of the Proposed Resolution is one year after the date of its approval by the Board of Estimate or July 1, 1961, whichever is later (Section 11-70). This is in effect a grace period which has been provided to ease the transition to the new Resolution.

The Proposed Resolution provides that if a building permit has been issued prior to the effective date of the new Resolution, construction may proceed under the provisions of the existing Resolution. The Proposed Resolution also seeks to negate possible administrative delays in reviewing plans by protecting a building permit approved after the effective date of the Resolution if complete plans and detailed specifications were filed not later than 60 days before the effective date (Section 11-321).

The owner will have two years from the effective date of the Resolution to complete the building in accordance with the building permit but if the two-year period is insufficient, the owner may apply to the Board of Standards and Appeals for not more than a one-year extension, which the Board is empowered to grant if it finds that at the time of the application substantial construction above the foundations had been completed and substantial expenditures had been made in connection with the superstructure, and a two-year extension, including permission to start new buildings, is permitted in the case of developments involving more than one building (Section 11-322).

The plan outlined above represents a substantial modification of the original proposal made by the Consultants and is also considerably more liberal than Section 22-B of the present Resolution. Section 22-B authorizes work to proceed, after a change of zoning, only if the zoning change becomes effective "after operations have been lawfully started on erecting

a structure." The cases construing provisions similar to Section 22-B hold that unless the owner has undertaken some actual construction, such as the building of foundations, he is bound by the provisions of the new zoning regulations even though he has done extensive work in clearing the site, taken borings, made architectural drawings and plans, and spent large sums of money predicated on the new construction being within the scope of the old zoning provisions. *Atlantic Refining Company, Inc. v. Zoning Board of Appeals of the Village of Sloan*, 14 Misc. 2d 1022, 180 N.Y. Supp. 2d 656 (Sup. Ct. 1958); *Fox Lane Corporation v. Mann*, 216 App. Div. 813, 215 N.Y.S. 334 (2d Dep't 1926) *aff'd* 234 N.Y. 550, 154 N.E. 600 (1926); *Atlas v. Dick*, 275 App. Div. 671, 86 N.Y.S. 2d 23k (2d Dep't 1949) *aff'd* 290 N.Y. 654, 87 N.E. 2d 55; *Rosenzweig v. Crinnion*, 126 N.Y.S. 2d 692 (Sup. Ct. 1953).

The numerous objections to the Consultants' proposal in regard to effective date and pre-existing permits and the awareness of the narrow construction of Section 22-B has undoubtedly led the Commission to propose the procedures and time periods outlined above. Although the Proposed Resolution considerably liberalizes Section 22-B by exempting the owner from having to build foundations before the zoning change becomes effective, and thus in effect grants a "vested right" on the basis of filed plans alone, it is nonetheless clear that the Planning Commission's time schedule may create hardship particularly in the case of large projects required to be built in separate units where numerous tenants may have to be relocated. In such instances the two-year period for the completion of construction, plus the extension obtainable from the Board of Standards and Appeals, may be insufficient to permit the developer to go forward with the contemplated project. In most cases, however, the chances are that the moratorium before the effective date together with the time periods granted by the Proposed Resolution will be sufficient to allow the orderly transition of the real estate market from the old to the new Zoning Resolution.

The Planning Commission, however, might consider having the two-year period within which to complete construction begin to run not from the effective date of the Resolution but from the date of the issuance of the building permit. This would perhaps make for a more uniform time period, i.e., the period would actually be the same in all cases, and no owner would be penalized merely because his plans took longer to process through the City departments.

In any event, however, no legal question appears to be presented by these provisions of the Proposed Resolution. If an owner has a "vested," i.e., a constitutional right to complete non-conforming or non-complying construction only if actual building has been undertaken prior to the

zoning change, he cannot, upon being excused from this requirement, validly complain on the ground that the time period for the completion of construction is inadequate in his particular case.

E. OTHER QUESTIONS

None of the other legal and constitutional questions considered by the Committee appears to present any substantial question of law requiring comment in this report.

IV—CONCLUSION AND RECOMMENDATION

The Committee submits the following resolution, intended to express the views set forth in the foregoing report:

BE IT RESOLVED, that in the opinion of this Association, the present Zoning Resolution of the City of New York is inadequate and should be replaced; and be it further

RESOLVED, that the Proposed Comprehensive Amendment of the Zoning Resolution of the City of New York (the "Proposed Resolution"), prepared by the City Planning Commission, is a proper and suitable replacement; and be it further

RESOLVED, that this Association endorses the Proposed Resolution, and recommends its adoption.

Respectfully submitted,

COMMITTEE ON REAL PROPERTY LAW

MENDES HERSHMAN, *Chairman*

JOSEPH CALDERON	HENRY W. KLEIN
HERMAN COHEN	JAMES S. LANIGAN
JOHN S. DORF	WARNER H. MENDEL
PAUL H. FOLWELL	EUGENE J. MORRIS
C. THOMAS GODFREY	GEORGE W. PALMER
LOUIS GREENBLATT	HENRY V. POOR
*RAYMOND J. HOROWITZ	LAWRENCE S. PRATT
HARRY JANIN	CARL D. SCHLITT
HERMAN JERVIS	SHIRLEY A. SIEGEL
FREEBORN G. JEWETT, JR.	MAXWELL H. TRETTER
F. ROBERT WHEELER, JR.	

Dated: New York, January 12, 1960.

* Mr. Horowitz is Chairman of the Real Property Committee's Zoning Subcommittee.

APPENDIX B

NEW YORK CHAMBER OF COMMERCE
65 Liberty Street New York 5, N. Y.

A Modern Zoning Resolution for the City of New York

New York charted a pioneering path, back in 1916, when it became the first major community in the Nation to adopt a comprehensive Zoning Resolution. Following the New York example, in the years which have followed virtually all sizeable communities throughout the country have established zoning restrictions and regulations governing land use, and prescribing types of permitted structures and activities.

This 1916 Zoning Resolution, which is still in effect although amended some 2500 times during the past 43 years, is broad in scope. Accidentally or by design it expressed extravagant views regarding the future development of the City, for the pattern of land use it established would permit an ultimate City housing some 55 million people, and providing employment for some 250 million workers.

It has long been felt that the City's Zoning Resolution, with its confusing and complex amendments, no longer provides a realistic pattern, or control, for New York's proper development; and various attempts have been made during the past quarter century to modernize and bring the Resolution up to date.

In 1948, funds were appropriated by the City for a study of zoning and the preparation of a proposal for a new Resolution. The consulting firm of Harrison, Ballard and Allen was engaged for this work, and its proposed new Zoning Resolution was widely discussed, but received no implementation by the City Government.

The need for more modern zoning, however, has remained pressing, and in 1956 the Board of Estimate made further appropriation for a new study and proposal. The City Planning Commission retained the architectural firm of Voorhees Walker Smith and Smith as consultants. Their study and proposal, submitted this year, is currently before the City for consideration, and extensive public hearings will soon be held by the City Planning Commission.

The New York Chamber of Commerce has long recognized the need for a modern zoning resolution for the City of New York; and in 1952, the Chamber endorsed the principles embraced in the Harrison, Ballard and Allen proposal and urged the adoption of its general provisions.

New York still needs a new zoning resolution if the City is to provide for the orderly future development of the City. In the opinion of the Committee on City Affairs, the general zoning proposals contained in the report by Voorhees Walker Smith and Smith, and which are broadly reviewed in the accompanying report, are practical and realistic. The Committee recommends that the Chamber endorse them in principle; and that the City be urged to adopt them with all deliberate speed, and with such specific refinements as may be necessary and appropriate as a result of the forthcoming public hearings.

NEW YORK CITY NEEDS A NEW ZONING RESOLUTION

By modern standards of good zoning, the 1916 Zoning Resolution with its 2500 amendments, and which still governs the pattern of land use in New York City, fails to meet the needs of the City.

It permits a pattern of land use and development that is unrealistic in terms of the City's past and potential growth. With respect to housing, the Zoning Resolution permits overcrowding and the breeding of slums on the one hand, and under-utilization of available housing space on the other. With respect to commercial and industrial land use, the present zoning, which would permit developments to accommodate 250,000,000 workers, and without proper regard for essential services, is obviously incapable of rationally controlling land development. As Chairman Felt of the City Planning Commission states: "Gross distortion and waste are inevitable."

Fundamentally, present zoning in New York City lacks a rational framework. This lack has produced these results:

1. Overbuilding and congestion in some parts of the City while other areas are vacant or blighted.
2. Uneconomic and inefficient building design resulting from regulations which restrict outer form but ineffectively deal with the bulk and density they are intended to control.
3. A conformity of housing types.
4. Waste of scarce and precious sites needed for employment giving and tax-paying industry; and at the same time, a lack of protection to the homes that have been situated on these sites, and which are permitted under the present zoning.

5. Excessive waste of land in scattered and economically unrelated store development, because of gross over-zoning of shallow commercial strips.

6. Streets needed for movement of traffic blocked because of the lack of provision for vehicle parking.

For builders and property owners, the 1916 Resolution presents a monumental task in determining permissible uses. A developer must consult and correlate three zoning maps and wade through 2500 amendments to the Resolution to avoid being guilty of breaking a provision of the law. This is a costly and time-consuming procedure, urgently in need of simplification.

Finally, the 1916 Resolution is obsolete. In the four decades since its adoption, the science of planning and land-use has matured and new principles and ideas have been developed. These are not present in the original Resolution and only summarily treated in the amendments. If the development of the remaining vacant areas in the City and the re-development of the older areas are to be truly in the best interests of the City—if wise planning is to be an instrument for improving New York as a place in which to live and work—then New York City must have new and modern zoning.

A SUMMARY OF THE NEW ZONING PROPOSAL

The Voorhees Walker Smith and Smith report is based upon the concept that zoning must begin with a total city image as a framework. This includes an analysis of present and future land needs; the development of a rational pattern based upon the inter-relation of these needs; and an adequate system of zoning districts to make possible a mapping of a total pattern.

In determining the rational image of the City, the consultants leaned heavily on the pattern of development in the past. This provided a realistic foundation from which to project a future pattern.

The City image, upon which the proposed Resolution is based, contemplates a population of 11 million residents. This has been determined by a projection of the growth of the City to an estimated population of 8.3 million by 1975. The zoning for a capacity of 11 million residents allows for an additional growth of 2.6 million, or a margin of 31 per cent.

While the population is projected to increase by only 6 per cent by 1975, the number of permitted dwelling units will increase by almost 10 per cent to a total of 2,854,000 units. The proposed rezoning of resi-

dential areas provides for an additional capacity of 19,749 residential acres over the 46,766 net acres in use in 1956.

The consultants' analysis of employment in major industrial categories indicates that there will not be large scale increases in the industrial labor force but, rather, that there will be shifts between industries and a need for additional acreage to allow for replacement of obsolete plants and additional space for employee parking. The net acreage zoned for industrial purposes will provide an additional 5,806 acres, to a total of 17,616 acres.

Commercial employment trends in the Central Business District indicate that there will be 151,000 more "paper-handling" workers and 145,000 less "goods-handling" workers by 1975. Employment in office buildings, it is estimated, will grow by about 185,000. New rentable office space is estimated to increase by 3 million square feet per year or to a total of approximately 60 million more square feet by 1975. This would require an additional 108 to 162 acres of land zoned for commercial office purposes in the Central Business District.

The local commercial areas were grossly overzoned in the 1916 Resolution permitting such development of 18,820 acres. The proposed rezoning would provide almost double the 5,792 acres being used in 1956.

A comparison of the net acreage in use in 1956, that estimated to be required in 1975, and the acreage provided for in the proposed Zoning Resolution indicates that ample allowance for growth has been made.

NET ACRES OF LAND (Total City)

Purpose	In use, 1956	Estimated Required, 1975	Proposed Zoning
Residential	46,766	58,661	66,515
Industrial	11,810	13,192	17,616
Commercial	5,792	—	10,696

The remainder of the City's 204,410 acres will be devoted to parks and recreation areas; institutions and community facilities; airports; and the largest portion, 55,000 acres, for streets.

THE SIMPLIFIED RESOLUTION

The consultants' report recommends a simplified Resolution which provides 47 different types of districts on a single-map system. All of the regulations for each major category of District are included in a single

Article; and by means of tables, charts, explanatory drawings, and an index of all uses, it is possible readily to locate all of the necessary information.

Each district is governed by three basic controls: a) use; b) bulk and intensity of development; and c) parking. These regulations incorporate the latest advances in zoning techniques.

USE DISTRICTS

The proposed Resolution provides for three major categories of use districts—Residential, Commercial, and Manufacturing. These are further subdivided to provide a more detailed breakdown on the basis of use distinctions. Thus, there are two residential, eight commercial, and three manufacturing districts.

1) Residential Districts

Two major categories of Residence Districts are proposed. The first, R1 and R2, are Single-family Districts, designed for and restricted to single-family detached houses, and distinguished from each other by the minimum lot size required. The second grouping, General Residence Districts, has seven subdivisions ranging from less densely populated R3 Districts in outlying sections to R9 Districts in the high density central areas.

The proposed Resolution also makes provision for large-scale residential developments by setting regulations for bulk controls, building spacing, and shopping facilities.

2) Commercial Districts

Eight Commercial Districts are provided to fit the wide diversity of commercial activity in the City. These are of four major types: 1) Local retail and service Districts (C1 and C2), designed for local area needs; 2) General Commercial Districts (C4), designed for primary and secondary outlying shopping centers; 3) Central Commercial Districts (C5 and C6), designed for central business areas in Manhattan and downtown Brooklyn; and 4) Three special purposes Districts (D3), designed for waterfront recreation uses (C7), large outdoor amusement uses, and (C8), heavy service uses.

3) Manufacturing Districts

Three Manufacturing Districts, guided by regulations which incorporate permitted uses and on "performance standards" which establish

limits on noise, vibration, air pollution, and similar industrial nuisances are classified. The M1 District is designed for industries with high performance standards (the least amount of industrial nuisances) and is used as a buffer to protect Residence or Commercial Districts from the heavy industrial District, the M3 District, which has the low performance standard. The M2 District is between the two others. Residential development is excluded from all Manufacturing Districts.

USE GROUPS

In addition to the Use Districts, the Resolution classifies all of the present or anticipated activities in the City into 18 "use groups" on the basis of similarity of function or common nuisance characteristics, as well as compatibility with one another and with adjacent Districts. These 18 groups have six major headings: residential; community facilities; retail and commercial; recreation; general service; and manufacturing.

By plotting the Use Districts and the Use Groups on a graph, it is possible, by cross-reference, to determine easily the permissible uses of a plot of land.

BULK AND INTENSITY OF DEVELOPMENT

This section of the report deals predominantly with regulations which are intended to create adequate standards of residential development. However, the first of the controls, Floor Area Ratio, is applicable to all of the Use Districts.

Four types of bulk controls are recommended in the proposed Resolution. Their purpose is:

1. To limit the number of people living on a single tract of land or in a neighborhood, both to prevent overcrowding and to prevent overloading of street and transit facilities, schools, parks and other neighborhood facilities.
2. To provide open space on residential lots, both for the use of the residents and to provide for adequate spacing of buildings.
3. To insure access of light and air to residential buildings and the public streets.

The proposed bulk controls, which are intended to regulate the intensity of residential development, include:

1. The Floor Area Ratio, which controls the amount of floor area which may be developed on a lot. It is determined by the number of square feet of floor area for each 100 square feet of lot area.

2. Lot area per dwelling unit regulation, which controls population density by limiting the number of dwelling units permitted on a lot. This provision is intended to prevent excessive conversion of existing dwelling units and the growth of the slums.

3. The Open Space Ratio, which regulates the amount of open space on a lot. This control is essential in providing sunlight, air and recreational space. It is determined by the number of square feet of open space on a lot for each 100 square feet of floor area in a building or buildings on that zoning lot.

4. Minimum lot area and lot width regulations, which affect the density of development.

In addition to the above regulations, other controls are recommended which will provide access to light and air in all Districts. These include provisions for yards, courts, windows and the openness of streets. There are also special regulations governing the space between buildings in large-scale residential developments.

PARKING

One of the major objectives of the proposed Resolution is the provision for off-the-street parking. The Resolution sets new requirements for residential areas. In all Residential Districts the amount of parking spaces is determined by the number of dwelling units.

The commercial parking requirements are determined by the type of Commercial District or shopping center and the neighborhood surrounding the center and by the type of business establishment and its size.

The Manufacturing Districts have the same requirement for all three Districts and this is based upon employment and the floor area per establishment. There is, however, a particular regulation for manufacturing and industrial uses and another for storage and warehousing uses.

Commercial and Manufacturing Districts in the Central Business Districts of Manhattan and downtown Brooklyn are exempted from parking requirements.

SOME ADDITIONAL PROVISIONS

Attention is given in the Resolution to three additional subjects: Non-conforming uses, regulation of height around airports, and administrative regulations.

The section on non-conforming uses provides regulations designed to prevent expansion or further entrenchment of non-conforming uses, and regulations designed to eliminate the worst type of non-conforming uses by providing a schedule for their elimination from Residential Districts and for improvements in their performance standards in the non-residential districts.

The Resolution proposes limits to the height of tall buildings in the vicinity of major airports to protect property and to insure that there will be no obstructions to navigation.

Finally, the Resolution recommends the following changes in the administration of zoning regulations:

1. The addition of a small, but technically capable staff, headed by a Zoning Administrator, to the Department of Buildings;
2. A series of specific findings or conditions which must be satisfied before a variance from either the proposed use or bulk regulations can be granted; and
3. Special standards or conditions for a limited number of uses with unique characteristics, such as airports, railroad stations, race tracks and drive-in theatres, which cannot be controlled adequately by the general regulations. Two agencies are empowered to grant special permits for such uses, the Board of Standards and Appeals and the City Planning Commission. The latter agency is empowered to grant permits for those uses whose location has community-wide impact and whose characteristics require special planning study.

RECOMMENDATIONS OF THE COMMITTEE

The Committee on City Affairs of the New York Chamber of Commerce believes that the City of New York should adopt a modern, comprehensive Zoning Resolution to replace the often-amended, cumbersome and outmoded zoning plan now in effect. It is essential that the future development of the City be governed by sound principles of land use which give realistic recognition to the total needs of the modern community. The present Zoning Resolution fails to provide such a guide.

In the opinion of the Committee, the proposal for a new Zoning Resolution presented in the report of Voorhees Walker Smith and Smith,

consultants to the City Planning Commission, adequately meets the needs of the City. The proposal is well conceived, is based on sound premises, and outlines a pattern of land use which should materially contribute to the orderly future development of the City of New York.

Undoubtedly many details of the proposed Zoning Resolution may be subject to modification and revision; and such revision and modification as may be necessary and desirable can be made following the public hearings which are shortly scheduled without compromising the validity of the plans as a whole.

The important thing, now, is to mobilize public opinion in support of modern zoning for New York City. The Committee recommends, therefore, that the New York Chamber of Commerce endorse, generally and in principle, the proposal for a new Zoning Resolution as contained in the report of Voorhees Walker Smith and Smith, consultants to the City Planning Commission.

The Committee recommends, further, that the Chamber urge the City to take early and affirmative action on a new Zoning Resolution, generally as proposed by the consultants, and as it may be modified as a result of the public hearings soon to begin.

The Committee recommends, finally, that copies of this report and its recommendations be sent to the Mayor, the City Planning Commission, and to members of the Board of Estimate and the City Council.

Respectfully submitted,

Committee on City Affairs

Attest:

JOHN T. GWYNNE
Secretary

ISAAC B. GRAINGER
President.

October 19, 1959

The above report was adopted by the Chamber at its regular meeting on November 5, 1959.

PRENTICE-HALL, INC.